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International Court of Justice

H0154-0002

Official Transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, Lord Justice Lawrence presiding.

MR. DODD: Mr. President, I would like to clear up the matter that I raised yesterday with respect to the notes of the conference between this Defendant and Hitler. I had the investigation made and I think these are the facts. Apparently, Colonel Williams of our Staff, who interrogated this Defendant late in October, was handed these notes by the Defendant, and somehow or other they never did reach our files and have been misplaced. So the Defendant was quite right in saying that he turned them over, but I think in error in saying that he turned them over to me.

DR. SEYSS-INQUART -- Resumed

DIRECT EXAMINATION -- Continued

BY DR. STEINBAUER:

Q Yesterday we reached one of the most important points in the indictment, the question of the evacuation of Jews from the Netherlands. Witness, what did you do when you learned of this removal of the Jews from the Netherlands?

A Yesterday I stated that I had people sent from the Netherlands to the camp Auschwitz, which was indicated to me, in order to ascertain whether and what the possibilities of shelter there were. I reported the result of this inspection. I asked the Security Police or Heydrich whether it would not be possible for the evacuated Jews to remain in contact, by mail, with the Netherlands. This concession was made to me. For about three quarters of a year or a year, such contact by mail was maintained; not only short post cards but long letters were permitted. I don't know how the camp administration did this. The letters were identified as authentic by the addressees. When the number of letters dropped off later -- it never stopped completely -- the Security Police told me that the Jews in Auschwitz had only few acquaintances in the Netherlands, meaning other Jews, because most of them were already in Auschwitz.

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Q Witness, did you not turn to Bormann, too?

A Yesterday I stated that, after learning of Heydrich's order, I turned to Bormann to inquire of the Fuehrer whether Heydrich actually had such powers. Bormann confirmed this. I admit frankly that I had misgivings against the evacuation.

Q Did you do anything to do away with these misgivings?

A My misgivings were to the effect — and they increased in the course of the war — they were to the effect that the severity of the war would be an especial burden on the Jews. If there was too little food in the Reich, the Jewish camps would receive little, and probably they would be strictly treated and comparatively slight occasions would be taken advantage of to impose severe penalties. Of course I also thought of the unavoidable tearing apart of families, at least in part, in the case of labor commitment. That was the reason why we resisted for three or four months. The decisive argument was the statement of the competent authorities, the Security Police, that in case of a landing attempt the Jews should not be in the immediate theater of war.

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Please consider that the most important and most decisive motive for me always that the German people were in a life and death struggle. Today things appear different in their actual effects. At that time, we might have said, "The Jews will be kept together in some camp, even if under severe conditions, and after the end of the war they will find a settlement somewhere." But these considerations had to be put aside, for their presence in the battle area could weaken the German power of resistance.

In the course of 1943 I spoke to Hitler. I called his attention to this problem in the Netherlands. In his own convincing way, he assured me at that time, but at the same time he admitted that he was thinking of a permanent evacuation of the Jews if possible, from all of Europe with which Germany wanted to maintain friendly relations. He wanted to see to it that the Jews would be settled on the eastern border of the German sphere of interest in so far as they could not emigrate to other parts of the earth.

At the beginning of 1944, I spoke to Himmler. I met him occasionally in Southern Bavaria. I asked him about the Jews in the Netherlands. The fact that our eastern front was being withdrawn meant that the camps would fall into the battle area in the course of time, or at least into the rear areas. I was afraid that the lot of the Jews would be even more serious then. Himmler said, approximately, "Don't worry; they are my best workers." I could not imagine that on the one hand the Jews capable of working were working, and on the other hand their relatives were destroyed. I believe that in such a case one could only expect that a Jew would spring at a German and strangle him.

Q Witness, you learned of these evacuations then in your capacity as Reich Commissioner for the administration. Did you cooperate in them?

A Since the evacuation was a fact, I considered it proper to concern myself with it to the extent that this was possible as Reich Commissioner. I gave my deputy in Amsterdam, Dr. Boehmke, powers to carry out the evacuation, to take steps if excesses occurred beyond unavoidable difficulties, or to report to me. Dr. Boehmke had a constant struggle with the so-called Central Office for Jewish Emigration. He had to intervene again and again, but I am convinced that we did not avoid all hardships.

The Jews were gathered in the Westerborg camp. When the first transport left, I received a report that the trains were over-crowded. I remonstrated

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to the Commander of the Security Police and I asked him to see that the transport was carried out in an orderly manner. The Netherlands Report states that in the beginning the transports were made under bearable conditions; later, conditions generally became worse. But such overcrowding of trains as occurred, as indicated in the report, did not come to my knowledge.

It is true that the Security Police made it very difficult to have the execution of these measures controlled. At the suggestion of a few Netherlands general secretaries, especially General Secretaries van Damm and Froehlich, I effected an exception for a number of Jews. One could effect individual exceptions. The basic measure could not be changed. I believe that the number of exceptions is greater than indicated in the Netherlands report, at least according to my reports.

These Jews were, at the last, in the Westerborg Camp. When the invasion began, Himmler wanted to remove them. When I objected, this was not done. After the battle of Arnhem, they were removed to Theresienstadt as he said, and I hope that they remained alive there.

Q Did you release property on this occasion?

A These Jews who were made exceptions retained their property.

DR. STEINBAUER: To close this chapter, I would like to call the attention of the Tribunal to Document 1726-PS, USA-195, in the document book of the Prosecution. This document sums up the whole Jewish problem in the Netherlands, and on page 6 it gives all the agencies which dealt with the Jewish problem.

Under No.3 you will find the General Commissar for Security, the Higher SS and Police Leader H. Rauter, General of Police.

Under No.4 is the Central Office for Jewish Emigration, Leeder aus der Funte, under General Commissar. The report said, "Apparently an organization for Jewish emigration; in reality, an organization to rob the Jews of their rights, to segregate them, or to deport them."

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This was the most important part, whichwas directly under Himmler, and not the defendant.

THE WITNESS: I should like to point out that Rauter functioned as Higher SS and Police Chief in this case, and not as General Commissar for Security. The measures were carried out by the German police, and not by the Netherlands police.

DR. STEINBAUER: The witness in a speech spoke about the Jewish proble at one time. The prosecution has submitted a part of this speech.

THE PRESIDENT: Dr. Steinbauer, you are putting this document 1726 PS to the witness, which contains an historical statement, apparently. Does the witness agree that the historical statement is accurate?

Do you, defendant, agree that this historical statement is accurate?

THE WITNESS: May I see the document?

(A document was handed to the witness)

DR. STEINBAUER: It is Appendix 2.

THE PRESIDENT: You see, Dr. Steinbauer, you put forward the document and it is for you to ascertain from the witness whether he agrees with the document or whether he challenges it.

THE WITNESS: The presentation of facts is correct, with the addition which I made in connection with the General Commissar for Security.

THE PRESIDENT: There are certain passages in the document which your attention ought to be drawn to: February, 1941, forinstance. You have the document before you, Dr. Steinbauer?

DR. STEINBAUER: Yes,

THE PRESIDENT: Will you look at the last entry under the heading, February, 1941? Do you see that?

DR. STEINBAUER: Yes.

THE PRESIDENT: I asked the witness, and he said that the facts are accurate.

BY DR. STEINBAUER:

Q Witness, you will find under February, 1941, a statement of whicl I have the English here, saying that Jews were arrested and then sent to Buchenwald and Mauthausen.

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A I discussed the case yesterday. That was a measure on the direct order of Himmler, which I learned of after it had been carried out, and against which I protested. To my knowledge, the mass deportations to Mauthausen did not occur after that.

THE PRESIDENT: Then what I understand the defendant to say is that that document is accurate, with the exception of the two passages to which you referred under the numbers 3 and 4, on the last page. Is that right?

THE WITNESS: In my testimony yesterday, I confirmed the orders contained in this document, but not all the details of the actual events.

BY DR. STEINBAUER:

Q The presentation on Page 6 of the individual agencies is correct?

A The actual presentation is fundamentally correct.

Yesterday I also spoke of the burning of synagogues and of the prevention of the destroying of synagogues in the Hague and Amsterdam.

THE PRESIDENT: Very well, Dr. Steinbauer. Go on.

DR. STEINBAUER: Now I should like to refer to document 79, Page 203, U.S.A. 708. That is a speech which Seyss-Inquart made on the Jewish question The prosecution submitted this document; but I must add to that by reading the last sentence: "The only thing we may talk about is the creating of a tolerable transitory condition by maintaining our stand that the Jews are enemies and thus applying every precaution customarily observed against enemies. As regards the time when Germany will not be here as an occupational force to maintain order in public life, the Dutch people will have to decide for themselves whether they want to endanger the comradely union with the German people for the sake of the Jews . . ."

BY DR. STEINBAUER:

Q Witness, I should like to ask you about this speech. Were you thinking of the complete elimination and destruction of the Jews?

A I never thought of that. In this speech I was not even thinking of evacuation. At that time, I held the point of view that the Jews should be confined in the Netherlands, was done to enemy aliens. For the reasons which are given in the preceding part of this speech, which the American prosecution submitted, that was still the point of view, of treating them as enemy aliens. Englishmen, for example, were also transported to the Reich.

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I have already pointed out that viewpoint later changed to measures against Jews which were customary in the Reich.

THE PRESIDENT: What is the date of the speech?

THE WITNESS: This speech is March, 1941.

Then, once more I expressed my point of view on the 20th of April, 1943, and made the somewhat imaginative suggestion that all belligerent powers should pool one per cent of their funds to solve the economic problem of the Jews. I was of the opinion that the Jews still existed; I never called the Jews inferior.

BY DR. STEINBAUER:

Q I believe I can conclude this chapter and go on to another charge, violations of international, the chapter on plundering.

Who confiscated raw materials and machinery in the Netherlands?

A The initiative for this, and the extent, originated with the Reich agencies. The execution was in part under my agencies and part with the Wehrmacht, the armament inspectorate, also with the police and the Waffen SS; and from the beginning of 1944 it was transferred essentially to the agency of the armament minister, which was also my agency, and tothe field economic commands of the high command of the army. At that time, control was extremely difficult.

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Q What was your attitude toward this problem?

A I was of the opinion that the terms of the Hague rules of land warfare were obsolete and could not be applied to a modern war because the labor potentiality of the civilian population is at least as important as the war potentiality of the soldiers at the front. The limitation seemed, to me, to be according to circumstancesof the state of our own population. This was doubtless, quite different in the various countries. I therefore endeavored to obtain a statement from Reichsmarshal Goering that the Dutch must live under the same conditions as the German people, and this promise was not completely kept, however.

Q How was the confiscation carried out? By what authority?

A Until 1943, the Dutch agencies carried out our assignments. The technical work was done by many experts. I did not understand anything about such matters. I took steps when complaints reached me. For example, I prevented the removal of the factory in Dortrecht, and a new electrical works in Leuvarden.

Reichminister Speer issued an important order that only those machines could be taken back to the Reich from factories which delivered more than one-half of total prod uction to the Reich, for example Phillips in Einhoven.

Q The French Prosecution charges that you favored the black market. What do you have to say about this?

A We were against the black market from the beginning. It was always a so-called "grey market" with us. I had prohibited food from current production being bought on the black market. Every case was investigated by the competent authorities, agreement with the Dutch authorities. It was a business which had been forbidden by me. The good were confiscated and turned over to the Dutch authorities. This measure was 100% for the benefit of the Dutch. What the German Reich wanted officially it got anyhow.

I see from the document that the turn-over in the Netherlands was the lowest. The figures are deceptive since prices on the black market were several times higher than those on the normal market. The actual amount of goodsis much lower.

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Q In document 1321-PS, the charge is made that you turned medical instruments over to the SS.

A That is true. Please judge that in connection with my general statements. The SS needed microscopes for its hospitals in general, which had been destroyed by bombings. In the laboratories of the University at Utrecht, there were such microscopes which were not being used. I had the case investigated by my agency, and what seemed dispensable I confiscated.

In this connection, I refer to a case which was much more important for the Dutch. The Reich wanted to close the Institute at Leyden, which is one of the most famous research institutes in the world. I believe the Soviets and Americans have one especially for atomic experiments. I prevented closing this organization whihc would have meant an irreparable loss for the Netherlands. Experiments were carried out by Professor Eisenberg in Leyden.

Q Document 1988-PS, RF-130, charges that you had the rolling mill in Lymmuiden removed.

A This firm was built up by a German firm after May 1941. The electrical installations of this organization were repeatedly destroyed by the English, not wthout the aid of the intelligence service of the Dutch resistance movement. In my opinion, there was justification in the Reichmarshall's order that they be moved to the Reich. This was done. Why damages were not paid, I don't understand. I had issued an order that all such demands had to be fully paid, but perhaps the German concern gave back its share.

Q The charge is further made that you turned over important transportation means to the Reich.

A I could not dispose of the substance of the necessary transportation. That was the affair of the transport command of the Wehrmacht. Once I took part in confiscating 50,000 bicycles, but there were 4,000,000 bicycles in the Netherlands. This was for the mobilization of troops in the Netherlands proper.

Q Another charge is that you had art objects removed from public collections.

A I did not like this, but the famous art objects, especially pictures in the public museums of Amsterdam, Mortizhaus and so forth were especially protected, but it is possible that loans to these museums belonged to Jewish people who were taken to the Reich within the general frame of confiscating Jewish property.

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There was one case. A Krueller foundation existed in the Netherlands which was given to the Netherland States by will. With my aid, three pictures were taken to the Reich from this foundation, for which I later concluded a contract for sale with the authorities in charge of the foundation. I endeavored to replace these pieces for the museum. I procured a Van Gogh and a Corre, and the head of the museum once told me that the new pictures suited the museum better than the old ones.

The famous paintings of the Dutch were in an airraid shelter on the Coast. When the Coast was declared a fortification area, I induced the Dutch authorities to have a new cellar built as Maastrich. The pictures were taken there, always under Dutch administration. No German had anything to do with it. In the fall of 1944, Dr. Goebbels demanded that the pictures be taken to the Reich. I refused this and had reliable guards placed in the cellar by a person from the Dutch Ministry with the necessary powers in order that they would not be turned over to the enemy troops. I was convinced that the Dutch Government in England would see to it that these pictures would remain in the Netherlands.

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Q Did you yourself acquire any pictures?

A I did not buy any pictures for myself in the Netherlands, except for two or three small pictures by contemporary artists. As Reichscommissar, I bought pictures by contemporary artists at exhibitions when I liked them and when they seemed worth the price and were offered for sale.

I also bought old pictures and gave them to public institutions in the Reich, especially to the Hunsthistorisches Museum in Vienna and the Reich Governor's office in Vienna. They were all pictures on the open market, as far as I am informed. Included was a picture ascribed to Vermeer but contested. On the other hand, I acquired an authentic Vermeer for the Dutch State by preventing the sale to the Reich.

THE PRESIDENT: Dr. Steinbauer, there is no specific charge against this defendant of having bought pictures.

DR. STEINBAUER: It was mentioned in the Trial Brief. May I continu We will conclude this question.

THE PRESIDENT: We do not want details about it. It is sufficient i he told us that he paid for the pictures. He need not give us details about the pictures.

DR. STEINBAUER: I will go on to the next question.

BY DR. STEINBAUER:

Q I submit to you document RF 136. It describes the confiscation of the property of the Queen of the Netherlands.

A To tell the full truth, I must add something to the previous question Pictures and art objects from Jewish fortunes or from enemy fortunes, when ther was reason, were liquidated and sold in the Reich. A very lively free trade developed with the participation of the Dutch art dealers, doubtless supported by the free transfer of currency.

Q Now I should like to go on to the question of the royal property. RF 136. What do you know about the order for the liquidation of this property

A I myself ordered this liquidation. In the Netherlands, of course, there was an order to confiscate enemy property as in all occupied territories. When we came to the Netherlands, the royal property was only placed under

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administration, without any steps being taken against it. After the outbreak of the campaign in the East, in the very first days, the Queen of the Netherland spoke personally on the radio, not only with a very antagonistic attitude but with the definite appeal for active resistance and with serious personal accusations against the Fuehrer. In this state of affairs, the property of any Dutch citizen would have been confiscated. I therefore decided to proceed in this case in the same way in order to prevent further developments, but also in the conviction that I could not make an exception. I myself signed the ord

Q What instructions did you give in the course of the liquidation?

A I immediately issued anorder which put the liquidation into effect. I ordered the estates to be turned over to the Netherlands State, I believe with the exception of one house. Also the shares, the archives, everything of historical or artistic value should be selected by a Dutch commission so that the Netherlands State could take it over. The commission included almost everything in its list that was at all possible. I realized that and did not strike out one piece. In particular, I had the historical installations at Joesdisch and Huistenborch turned over in full, although Berlin wanted them placed elsewhere.

THE PRESIDENT: I do not think that the defendant need make this quite so detailed, Dr. Steinbauer. He has made the point that some of the things were turned over to the Netherlands State.

DR. STEINBAUER: May I ask one brief question?

BY DR. STEINBAUER:

Q Do you know to what extent the property was actually liquidated?

A I had a survey given to me. It was reported to me that three, or at most five, percent of the property was actually liquidated.

Q Thank you, that is enough.

A The proceeds were turned over to a fund for war sufferers.

Q Now I go to the question of the confiscation of factories

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and raw materials. Who undertook this confiscation?

A I may refer to my previous statement. In the late summer of 1944 on, this was done primarily by the Feldwirtschaftkommandos, the Field Economic Command. There are individual documents available with notations referring them to me. There were many unauthorized confiscations. People came from the Reich with trucks and began to take away machinery. Together with the Wehrmacht commander and the Higher SS and Police Chief, I ordered that strict measures should be taken against these methods.

DR. STEINBAUER: I should like to refer to two documents which I submitted but which I shall not read in order to save time. These are documents number 80 and 81, page 205 and 208. The first sentence is interesting. It concerns Wehrmacht matters carried out by the occupation forces.

BY DR. STEINBAUER:

Q In document RF 137, witness, the charge is made that the removal of furniture was clothing from Arnhem was carried out.

A The charge is correct. The situation was as follows: The front was directly south of Arnhem. There were three or four resistance lines built in Aruhem proper. The city had been completely evacuated. It was being shelled. The goods in Arnhem were gradually being ruined in the course of the winter. The Fuehrer ordered at that time through Bormann that textiles, particularly for German families who had suffered bomb damage, should be brought from the Netherlands.

The fate of the furniture and the textiles in Arnhem would probably have been that these things would either have been plundered or would have been ruined by the weather or in a battle for Arnhem they might have been burned. Although it was not in my territory but at the front and the executive power lay with the Wehrmacht, I gave my approval that in the circumstances should warrant, consumer articles and textiles should be brought to the Ruhr. I ordered at the same time that the items should be taken for the replacement of damage. I believe that Dr. Wimmer can confirm this.

Q The charge is made of blowing up safes.

A I opposed this strongly. When such a case was reported to me, I, through my General Prosecutor, had the order for arrest issued.

Q Now I go on to the next question. How about the blowing up of ports, docks, locks and mines in the Netherlands?

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A Such things were blown up at the time when the Netherlands became a theatre of war. As for port and dock installations or shipyards, the following was decisive: The port of Antwerp fell almost undamaged into the hands of the enemy. I believe that it was of decisive importance for the further development of the offensive. Thereupon the competent military authorities in the Netherlands began a precautionary blowing up of such installations. I know only the fact, not the details. I refused to watch the explosions, but my deputies intervened with the Wehrmacht agencies, and I believe that in Rotterdam half of the installations were not blown up. This is shown by the Netherland's report. I had nothing whatever to do with the matter, aside from what I have just said.

When the English reached Limburgh, an order was issued to blow up mines as war-important installations. I inquired of Reich Minister Speer, and he issued an order not to blow them up but only to cripple them; that is, to interrupt operations for three or four months. The orders were issued to this effect. I hope that they were not violated.

Q Here in this trial we have heard of an order for "scorched earth". Was it in effect in the Netherlands also?

A I received the "scorched earth" order from Bormann. Without military necessity, all technical installations were to be blown up. That meant, in effect, the destruction of Holland, that is, the Western Netherlands. If explosions were carried out in 14 or 16 places in Hollandm the country would disappear under the water in a few weeks. I did not carry out the order at first. I established contact with Reich Minister Speer. I had a personal meeting with him on 1 April in Oldenburg. Speer told me that the same order had been given in the Reich, but that he was frustrating it, that he now had full authority in this matter, and that he agreed that the order should not be carried out in the Netherlands. It was not carried out.

Q Now, to another chapter. Floods did occur. Did you have anything to do with them?

A I know the chapter, and in a certain connection I did have something to do with it.

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There were prepared floodings by the Wehrmacht for defense purposes, and battle floodings, whichsuddenly became necessary in the course of battle. The prepared ones were carried out in close contact with my agency and the Dutch agencies. At their intervention, about half of the area was spared and saved. The flooding was mostly with fresh water so that less damage would be done, and the outer dikes were spared.

There were two battle floodings in Holland, at the order of the Commander in Chief of Holland. Veeringer Seepolder was especially mentioned. At that time there was great danger of an air landing, at the demand of the Dutch defense front. I was not actually informed of the battle measures taken; the commander had decided on it overnight.

When, on the 30th of April, I talked to General Eisenhower's Chief of Staff, he told us: "What has been flooded so far can be justified in a military sense; if youflood any more now, it is no longer justifiable."

After the 30th of April there were no more floodings.

Q In this connection I should like to refer todocument 86, page 221, without reading it. It shows that these floodings were of a purely military character.

Another charge which was made against you, witness, is the question of the food supply for the Netherlands popuktion. What measures did you take to maintain the food supply for the Dutch people?

A The food question in the Netherlands was doubtless the most difficult question of the whole administration, and I believe, from the special aspects of the case, it was the most difficult in all the occupied territories.

In the Netherlands there are 270 people per square mile, in Holland there are more than 600, to be fed. The food economy is highly cultivated, dependent upon the import of hundreds of thousands of tons of fodder. Since the occupation and the blockade, that was all gone. The whole food economy had to be changed over to the production of food for immediate human consumption. It was certainly a great achievement of Dutch agriculture that this was successful. However, I may say that my experts aided very effectively, and we got a great deal of support from the Reich.

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Food distribution in the Netherlands was carefully regulated, more so than in any other occupied territory. The most important thing for me was to maintain this food supply, although the leader, General Director Lauers, and his entire apparatus, were hostile to the Germans. Against the will of the Reich Central Office I received it, because otherwise I would not have been able to bear the responsibility for the nourishment of the people.

Q Did you also deliver food to the Reich?

A The troops wanted to be supplied from the land, but the grain was supplied from the Reich, and vegetables were demanded in exchange. The Reich demanded more vegetables and also the delivery of cattle, canned meat, legumes, and a few other things. Vegetables and meat would not have made so much difference, but the legumes were a little difficult. I am convinced that the Dutch food system did as much as it could.

Q What was the situation in the fall of 1944?

A During most of the occupation period we had a caloric value at first of 3,000, and then of 2500 calories. In 1944 we had 1800 calories. Experience today shows what that meant.

In September of 1944 the Netherlands became a theater of war again. At about the time that the first British airborne divisions were landed at Arnhem, on order of the Dutch Government in England a general strike of Dutch railroads began and it was carried out almost completely. At the same time, these ships in internal waters disappeared. It was not a strike, but it amounted to the same thing.

Through this situation, the defense possibilities for the German Wehrmacht were greatly endangered. Ther German Wehrmacht began to confiscate ships and, in effect, interrupted all traffic. I established contact with it, and it said that if the railroad strike should stop it would not have to proceed rigorously. I reported this to General Secretary Hirschfeld and General Director Lauers. They achieved no results, and I had to consider how I could restore shipping. I discussed it with the Wehrmacht, and I suggested that I give them two or three weeks' time in which they could secure their necessary shipping space. Of about two million tons available, they needed 450,000 tons. Also, during this time I would forbid all ship traffic, because the Wehrmacht was confiscating all ships anyhow. I permitted

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traffic of small ships in Holland.

THE PRESIDENT: How is all this relevant to the charges made against the defendant?

DR. STEINBAUER: The Netherlands report, which the prosecution mentioned, states in great detail that the defendant, as Reich Commissar, is responsible for the famine which began in September of 1944, until the spring of 1945, and for the great mortality, especially of children, because, on the occasion of the shipping and railroad strike, he prohibited the import of food. That is one of the most serious charges made against him. I have asked for witnesses on this subject, and perhaps I might cut it short now so that the witnesses may speak about it.

THE WITNESS: I must ask to be allowed to comment on this matter. This is the charge which seems the most serious to me.

DR. STEINBAUER: Perhaps we can have a brief recess now.

THE PRESIDENT: Very well.

(A recess was taken.)

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BY DR. STEINBAUER:

Q. In the Government Report it is asserted that at that time 50,000 Dutch people died of starvation and, therefore, I should like to ask you what reason did you have for establishing this traffic embargo at that time?

A. I believe I have already set up and stated my reasons. The traffic situation was such that the Wehrmacht had to assure its shipping space, and as long as it did that there was no ship traffic possible. I wanted to limit the SState to as short a period of time as possible, so that afterward, assured ship traffic would be made possible and the food supply of Holland could be assured in a regular and orderly manner. In practice, traffic was not interrupted through my embargo, but rather -- I believe witnesses will confirm me in this -- that the fact of the confiscation of ships was the cause. Of course, naturally, I asked myself whether the Dutch food supply would be endangered, and I said to myself that the Dutch people themselves were responsible for being in this state of emergency, that they had brought it about themselves, and of course that the military interests of the Reich were equally important. I told myself, further, if in the next half of October I can reinstate an orderly ship traffic then, in my opinion, I shall have two months' time in which to take care of the food supply for the Dutch people. Then I can bring over one hundred fifty to two hundred thousand tons of food supplies and that will be sufficient to establish rations of 1400 to 1800 callories. I believe I can recollect that between the 15th and 20th of October, I gave the order to reinstate ship traffic.

Q. And what did you do in this direction?

A. Ship traffic was not reinstated because the Dutch traffic authorities, for the most part, had disappeared, perhaps because they were afraid that they would be made responsible for the general railway strike. For weeks on end we tried unsuccessfully, and at the end I talked with General Secretary Hirschfeld and gave him complete authority.

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THE PRESIDENT: Dr. Steinbauer, the Tribunal does not think that this matter can be gone into in extreme detail like this.

Q. Witness, perhaps you can be very brief about this and tell us what you did to alleviate conditions.

A. I really concluded it. I gave Secretary Hirschfeld all authority, including transportation, and this man, although hesitantly and reluctantly, re-established traffic -- and he will confirm that I supported him in every possible way. Food supplies were brought into Holland. But many weeks had passed in vain. Then, in my sector of influence, I provided additional allotments, about which Witness Von Der Wense and, I believe, the witness Schwebel can give you information in their interrogatories. The affidavit of Witness von der Wense will be shown.

DR. STEINBAUER:

Q. Now, I should like to submit a document, an affidavit deposed by the witness von der Wense. It has just arrived but it has been translated, and I believe either this afternoon or tomorrow morning the translation will be available to the Tribunal. I shall now submit the original. I do not believe it necessary to read this comprehensive document. This affidavit very comprehensively and extensively covers the food situation in this period of time.

THE WITNESS: May I also call your attention to the fact that the Dutch Government --

THE PRESIDENT: What is the number of it?

DR. STEINBAUER: No. 105.

THE WITNESS: -- that the Dtuch Government changed the figure from 50,000 deaths to 25,000. They made that correction.

BY DR. STEINBAUER:

Q. Now I shall turn to the last period of your activity as Reichs Commissar. I should like to ask you, when did you realize that the military resistance in the Netherlands was in vain?

A. That we had to count on the possibility that Germany could not win the war is shown from my letter to the Fuehrer, addressed to him in the year 1939. The fear that things would work out that

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way arose at the time of Stalingrad. Of course from then on we had to count on that possibility, and in time I feared this. We know through a statement which Reichsminister Speer gave me on the 1st of April 1945 --

Q. 1945?

A. Yes, April 1945. Up until that time I did not want to believe this, but with the threat of an unconditional surrender and occupation, we naturally were worried about the results and the outcome. Speer at that time told me that the war, for Germany, would end in a relatively short period of time because armament could not keep pace, and he estimated possible two to three months at the most.

Q. When you realized this fact, what did you do, in practice?

A. I made the decision to end the occupation of the Dutch territories and not carrying out my duties to the Reich. I went to General Secretary Hirschfeld and we discussed this problem. We arrived at the decision to get in touch with our confidential agents in the Hague -- which was illegal for us to do. We tried to get to negotiate with them on the basis that the Allied troops should not advance against Holland, so that any further destruction would not come about; that the Allies would take over the feeding of the Dutch population and that we would wait for the end of the war. This was the counter-proposal that we made to the Dutch

Q. Wasn't this something that you undertook on your own in contrast --

THE PRESIDENT: What was the date of this?

Q. What was the date of this?

A. This conversation with General Secretary Hirschfeld took place on the 2d of April 1945. Then there was a little delay and on the 30th of April we had a conversation with Lt. General Burdell-Smith. I did not ask for authority in Berlin for this; rather, I carried it out on my own. I did not contact Berlin because I did not want to meet with a refusal or

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prohibition. I only undertook it on my own hook. General Blaskowitz, the Commander of the Netherlands, was very much afraid. He called me to him even during the night, for his superiors had asked him just what the matter was. Nevertheless, I was determined to carry through this matter, for to me it seemed the only reasonable step that I could take. I told him that I would assume all responsibility. On the 30th of April this conference actually did take place and the result that I had desired materialized. We dispensed with the military defense of Holland.

Q. Then what did you, personally, do?

A. Grand Admiral Doenitz, as head of the State, called me to him at Flensburg. I took a quick boat across the North Sea and told him, and the Grand Admiral will confirm me as my witness. I rescinded the demolition decree and tried everything to return to the Netherlands. I embarked and I was arrested at Hamburg.

Q. Just why did you want to return to the Netherlands?

A. First of all, I wanted to take care of my co-workers; in the second place, I always was of the opinion that I should be held responsible for my administration there; and, finally, I was of the opinion that we were in the first row in the hours of triumph and we can lay claim to be in the first row in the time of misery and disaster as well.

DR. STEINBAUER: Mr. President, I have concluded my examination in chief of the witness.

H0154-0023

BY DR. KARL HAENSEL (Counsel for the SS):

Q Did you belong to the SS?

A I had an honorary position in the General SS. As such I was not a regular member of the General SS, but for ideological reasons and for purposes of information I was very much interested in the SS.

Q Did you have any function in the SS, or did you just have a title?

A De Jure, I had only the title. In a political connection, as far as the Netherlands was concerned, Itried to influence the Waffen SS, the Security Police and so on in a certain way, and in April of 1945 I believe I can say de facto that I was the first SS fuehrer in the Netherland

Q Did you have the impression that the SS was a closed, unified organization, or werethere contradictions and divergences in the organization itself?

A To outward appearance it was a matter of closed discipline. Internally there was a great difference between two factions. One wanted the SS to be just a political training unit. Obergruppenfuehrer Eismeier belonged to this school. The other faction wanted to make a state executive organ out of the SS. Heydrich belonged to this group. At first Himmler vacillated, but later he went completely to the camp of Heydrich.

The SS ideal disappeared, because Himmler misused it for executive powers.

Q Can you determine that as to time? In what period did this thought die out?

A I believe the beginnings were evident in the year 1938. With gigantic steps, this startedat the time of theeastern campaign.

Q Wasn't it from theyear 1939 onwards that the General SS made little or no appearance, but rather the executive groups or the Waffen SS remained after that time?

A In any event, Himmler transferred the people from the General SS and put them into his executive organizations. The Allgemeine SS, the General SS, did not exist for me, anyway, after that time.

Q Do you mean that the SS man knew about the struggle for power in leadership, that he had any knowledge of this at all, or did he expect anything of that kind at all?

H0154 - 0024

A I do not believe that the SS man knew this, but there were many SS men who felt very uncomfortable, who remained with their formation only because they felt it was their duty.

Q You said in your interrogation that a decree of Heydrich's caused you to transport Jews from Holland. Did you see a decree from Hitler to Heydrich?

A That is just what I mean, a decree from Hitler to Heydrich. I would not have been satisfied with Heydrich alone.

Q You pictured the situation as Heydrich had told you that he had this decree?

A Yes, he told me that, and a few weeks later he sent me this decree.

Q Was it in writing?

A Yes, it was in writing.

Q And what did the decree say?

A It said thatthe final solution of the Jewish question was turned over to him completely for all areas.

Q And when wasthis? '41? '40? When was it?

A It must have been at the time of the evacuation when they started. I believe that was in the year 1942.

Q Wasn't it 1941? 1942 doesn't seem right.

A Perhaps he showed me the decree later. I do not know the date of the decree.

Q This decree you said, was rather general; it could be interpreted one way or another, is that right? It was a general decree?

A Yes, I had the impression that in the occupied countries Heydrich was to carry through the evacuation, and at that time I wasn't quite sure whether that was to be a final solution. It was possible. The most extreme case was that the Jews would be gathered in camps, and after the end of the war, would be settled somewhere.

Q I beg your pardon, Witness. The most extreme case would be that the Jews would be destroyed, and that took place.

A It was the most extreme case which I thought of or contemplated at the time.

Q And according to the words of the decree, you could picture it?

A Yes.

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Q. Now, the question is : Was there the possibility that Heydrich could go beyond the decree of Hitler and did so? Was there the possibility that Hitler would not want the things that Heydrich later on did?

A. I cannot testify to that.

Q. Did you talk with Hitler before 1943?

THE PRESIDENT: I don't think the witness can tell what the possibility was that Heydrich would do, any better than we can. He can't give evidence about that sort of thing.

DR. HAENSEL: Yes.

BY DR. HAENSEL:

Q. Then, before 1943 did you discuss these problems with Hitler?

A. On occasion I was present when Hitler discussed these problems. It was always along this line, to eliminate the Jews from the German territory and to send them into foreign countries.

Q. But no one ever talked about destruction of the Jews?

A. Never.

BY DR. SERVATIUS (Counsel for the defendant Sauckel):

Q. Witness, did Sauckel cause raids in the Netherlands and did he have churches surrounded?

A. He couldn't do that. I wouldn't have tolerated that, and he didn't ask to have that done.

Q. Did Sauckel have anything to do with the action of the Army in 1944?

A. No, he didn't know anything about that. When he heard about it, one of his men arrived so that he could recruit skilled workers, but this actually did not take place, for the Wehrmacht sent these men into the Reich right away.

Q. Referring to the regular worker transports to Germany, in connection with the recruitment carried out by Sauckel, were they effected under normal conditions, or could you determine whether there were excesses and abuses?

A. Whether it was voluntary or compulsory labor, transport conditions were always normal. The same facilities were used by the people as were used by regular Dutch traffic. They were accompanied by people from a certain

H0154-0026

office. There were 2,600 who were arrested, but all the others were taken into camps as designated by Sauckel.

Q. Did Sauckel concern himself with the transporting of Jews?

A. Not at all.

Q. Do you know what the working conditions were for the workers who came from Holland to Germany?

A. I knew them fundamentally. They were the same conditions as applied to workers in the Reich. But difficulties arose. First of all, the leaders of industry in the Reich asserted that the Dutch people had been recruited under false pretenses to a certain degree, that is, thatthey did not comply with requirements. Secondly, these labor contracts had a certain duration and the industry leaders wanted to have the Dutch people remain in the Reich for a longer period.

I saw to it that nothing was added to these labor contracts which would notbe observed in the Reich, no matter what the difficulties would be on the part of the Reich.

DR. SERVATIUS: I have no further questions.

BY DR. LATERNSER (Counsel for the General Staff and the OKW):

Q. Witness, I wanted to put one question to you regarding the floodings. What did you, your office, or the Commander in Chief of the West undertake in order to prevent the flooding of all of Holland?

A. I am not quite clear as to the question. There were two dangers. One was that of blowing up, and the pumping stations couldn't do any good here, but it was prevented. The second danger was the lack of coal and the lack of oil. We tried, as long as possible, to bring coal to the pumping stations, and this coal was of utmost importance, especially to the Wehrmacht, and we received less and less coal. We had our pumping stations work overtime so there would be no more flooding than necessary.

We had a completely frictionless cooperation with the Dutch authorities and the deputy of the Dutch Government in England with whom I spoke later, to whom I sent my expert, said that from the expert point of view our flooding measures were not objectionable.

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Q. Now, a second point. In answer to a question from your attorney, you said that you intervened against the destruction in the harbor of Rotterdam. With whom did you intervene? What person?

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A. Defense Commander-in-Chief, General Christiansen, who took my side immediately.

Q. Then you agreed completely? Right away you achieved understanding?

A. Yes.

DR. LATERNSER: I have no further questions.

BY DR. FLEECHSNER: (Counsel for Defendant Speer).

Q. Witness, you mentioned yesterday the S-industries. Can you tell me when these industries were established in Holland, the Speer-Betriebe industries, and what result applied to labor; that is, the transporation of workers from Holland to Germany? What was the result?

A. I believe the Speer Betriebe, the S-industries, were established during 1943, if I remember correctly, in the second half of 1943. The workers in the industries were protected. Therefore, the recruiting of Netherlands workers into the Reich was prevented in part, and altogether in part.

Q. So that the S-industries could produce and be active, were materials brought from Germany into Holland, especially coal?

A. I believe all raw materials, with the exception of coal. Coal was brought in from Limberg.

Q. You mentioned yesterday the Organization Todt. Do you know how far this Organization Todt worked on fortifications along the coast, and used local construction work, and just how much of the work was done by these local concerns?

A. I believe that the contracts for overwhelming number of work projects which was established in Holland were given to local concerns. This is tru of Holland; and Holland construction concerns carried out work in Belgium and in Northern France. These concerns brought their workers along with them.

Therefore, about 35,000 to 40,000 Netherlands workers, up until the middle of 1942, were actively working in Belgium or Northern France. These were workers who had not come into these

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countries through the channel of regular recruitment.

Q. Very well. Can you tell us what results this had on the recruitment of local labor, just generally?

A. The local workers, naturally, preferred to go into the S-industries, for they were more certain of not being transported into the Reich. And while they were with the "O.T", they received special food rations.

Q. Witness, when in August or September 1944, because of enemy bombings the production in Holland was hampered, and in some places stopped, what measures were taken in order to protect the unemployed workers of the S-industries?

A. We had three possibilities: first of all, to bring the workers into the Reich; secondly, to dismiss these workers and to have them draw unemployment benefits; and thirdly, to retain these workers and to pay them their wages without working, or working less.

I believe it was because of a decree issued by Reich Minister Speer that the third possibility was chosen. The workers in these industries received their pay, and I took care that the entrpreneurs would be compensated for wages which they paid out to these workers.

Q. Witness, you mentioned a discussion which you had on the 1st of April 1945, with co-defendant Speer. Can you tell us what the original purpose of this conference, or discussion was?

A. For my part, I mentioned already that I wanted to talk with Speer about the decree of the "scorched earth". But Minister Speer also had a purpose for the conversation. He, for his part, wanted us to transport potatoes from North Holland into the Ruhr region, so that coal could be brought into the Netherlands. And in connection with the potato situation in North Holland, this would have been quite possible. But the traffic situation was such that we could not carry out this plan.

Q. Did Speer tell you about precautionary measures for the securing of food supplies?

A. Minister Speer told me that behind the Ruhr area he had

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stored transports of food, and in this way these cars were not at the disposal of the armament industry. He thought that if the Ruhr area would be flooded, he would have food supplies to draw on.

DR. FLEISHSNER: Thank you very much.

THE PRESIDENT: Does Counsel for the Prosecution wish to cross-examine? I am sorry, Dr. Kunoscok, did you have something to say?

DR. KUBOSCHOK: (Counsel for the Defendant von Papen) The Defendant Kaltenbrunner has asked me as one of the Defense Counsel who is closest to him to state that he had discussed with his attorneys a number of questions which he would like to put to Seyss-Inquart. I tried to reach Dr. Kaufmann; and at present, in the course of this afternoon, I do not think it will be possible for us to reach him. The Defendant Kaltenbrunner asked for permission to have these questions asked of Seyss-Inquart tomorrow.

THE PRESIDENT: The Tribunal will expect some explanation from Dr. Kaufmann as to why he is not here to cross-examine. He must have known that the time was about to arrive for him to cross-examine. But the Tribunal will assent to the suggestion that these questions may be put at a later date, tomorrow, if possible.

DR. KUBOSCHOK: Thank you very much.

THE PRESIDENT: Now, do Counsel for the Prosecution wish to cross examine?

CROSS EXAMINATION

DR. K. DIEHNEST:

Q. Defendant, you have studied law, and you have even told us that you obtained the diploma of doctor of law from the Viennese faculty in 1917?

A. Yes, indeed.

Q. You were a lawyer from 1929 to 1938, on the 12th of February, at which date you became Minister for Home Affairs?

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A. Beginning with the year 1921.

Q. I see; 1921. Very well, if you wish. Was not the majority of the people who would come to see you made up of Jews?

A. Not in a large measure. But there were some among them.

Q. Yes. Nevertheless, you told us yesterday that you had been an anti-semite since World War I.

A. My clients know that quite well. The office was known as such.

Q. Yes. But you did not object to accepting money of Jews.

A. It did not prevent the Jews from asking for my aid, either.

Q. Very well. You belonged to the Catholic religion, did you not?

A. How do you mean that?

Q. I am asking you whether you were a Catholic.

A. I was a member; that is, I belonged to the Catholic Church.

Q. Yes. And were you not equally a member of an association of Catholic fraternities while you were a student?

A. Never did I belong to any student organization or fraternity, either Catholic, or any other.

Q. Very well. You were appointed Reich Commissar for Holland by a decree of Hitler dated the 18th of May 1940; is that correct?

A. Yes.

Q. You directives, when they reached the Netherlands, as you stated yesterday, were to maintain Dutch supremacy, and the independence of the Netherlands, and to establish an economic liaison between Holland and Germany; you added that those directives were never modified afterwards by the Fuehrer; is that exact?

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A I didn't quite understand one word, and that was the word referring to the economic liaison.

Q I said, that when you arrived in the Netherlands, you had the following directives to carry out. First, to maintain the Dutch independence, and secondly to establish an economic liaison between Holland and Germany, is that right?

A I would not put it that way exactly, but I was to see to it that a close economic relationship between Holland and Germany was to be brought about by economic progress in the long run, not to mention war necessities.

Q Well, you did say that you did not come to Holland with the intention of giving Holland a preferred political decree to the Dutch people, is that right?

A Well, I would not put it that way. It was my intention to further National Socialist politics, not to decree it, but to foster and further it.

Q Yes, I see. And was it also your intention not to introduce but to impose it?

A No, for a political opinion, that you cannot force on any one.

Q Well, I am going to have shown to you a document, No. 997-PS. This document has already been submitted by the Prosecution under No. USA-708, and yesterday by the Defense. Will you kindly turn to page 7 and 8 of the German text? It is page 7 of the French text, at the paragraph "Measures." Page 7 of the French text. This document, as you will note, is a report which you yourself made.

A Yes, you are right.

Q "In this state of things, it was necessary to do away, to eliminate the influence of Winkelmann, which was done in the following manner. The general secretaries were informed that they would only receive orders from the Reich Secretary. The position of General Secretaries was kept by the same people, who were obliged to consider that it was almost impossible to find Dutch people to replace them, and who would be willing to take over the administration. In the Parties of the Reich, there were hardly people qualified to do this, but it seemed necessary, from a political point of view, that a certain number of measures in the National Economic Measures be political measures as well, and that they be made known to the Dutch nation with the signature of the General Secretary of this country."

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Actually, on the basis of this document, it does seem that if you decided to keep the General Secretaries, it is only because you needed them in order to impose and force certain measures upon the Dutch nation? Is that right?

A Yes, but how are you connecting politics with this? This is a matter of administration.

Q Not so far as I know. It seems as if we see two questions here, the economic question and the political question.

A No, in the German text, the police and economic question -- the police question is mentioned, not political. And there is a difference, you know.

Q In that case, I will re-read the phrase and modify it to your answer. "But it seemed necessary, from a political point of view . . ."

Is that "political" or "police" which we see here?

A Just a moment, please. Yes, that's correct. But you don't mean politics in a sense of party politics, but rather, in a treatment of the Dutch persons where they were to turn to National Socialism. That's a matter of complete inducement.

Q Therefore, was that done in the interest of Dutch policy, or German policy?

A Yes, that I followed a German policy, that I admit without any hesitation at all, but that was part of my task.

Q But the German policy, at that time, was it not the policy of the National Socialists?

A The German policy was, at that time, the policy for the fight for existence of the German people, and this battle was led by the people of the National Socialist party. But we were not interested in the carrying through of the 25 points of a Party policy, but rather, the carrying through of our fight for existence and that, I think, is what is concerned here.

Q Very well, but in your administration in the Netherlands, you were helped by 4 General Commissaires, who were Wimmer in Administration, Fischbueck in Finance and Economy, Rauter for Public Security, and Schmidt for Special Cases. The General Commissaire for Public Security , Rauter, was directly subordinate to you, wasn't he?

A The 4 General Commissaires were immediately subordinate to me. Rauter, in so far as he was the General Commissaire for the Security system, not in that

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he was the chief of the German police.

Q You desired to lead, to direct and administer yourself, the Netherlands, and to do that, you set up the two assemblies which existed there, and by the same decree, you limited and restricted the powers of the State Counsellor to the jurisdictional field.

A I do not have this decree before me, but it may very well have been that way.

Q You also took over the control of the finance, and of the treasury of the Netherlands, and to do this, you issued a decree on 24 August 1940 which enabled you to appoint the President of the Dutch Bank.

A I do not recall the date exactly, but I had issued a decree to that effect, yes.

Q Very well. When you arrived inHolland, Mr. Tripp was the President of the Dutch Bank and also General Secretary for the Treasury?

A Yes.

Q Very well. You had him replaced, and for what reason?

A Mr. Tripp, in the carrying through of the closing and currency limitations, did not want to cooperate. I put it to him that he could resign if he did not follow my measures or did not want to cooperate with me.

Q And with whom did you replace him?

A Mr. Rost von Tonningen.

Q How long did you know Mr. Rost von Tonningen?

A I do not believe I knew him. I knew him by name -- he seemed to have a capacity to have done the same function in Vienna for the League of Nations.

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Q Since when did you know his name?

A Most probably from the period in which he assumed his office in Vienna but I do not know the exact date.

Q You did not have any association with him when he was in Vienna with you?

A I believe that I had never seen him.

Q Was not Mr. Rost van Tonningen a member of the Dutch National Socialist Party?

A Yes.

Q Was it for this reason that you appointed him?

A That was one of the reasons.

Q Very well.

A Not only the fact that he was a member but, rather, that he represented our views.

Q Will you kindly look again at the document which I had shown to you a few moments ago, 997-PS, page 5 of the German text and page 5 of the French text. This is what you say about Mr. Rose van Tonningen:

"Corresponds perfectly to all the ideological requirements, adjusted to the Germanic idea and to National Socialism, speaks very well and is extremely energetic. He does not find his strength in himself but needs the support of other people."

As far as I can see, we do not find in what you write here that Rose van Tonningen had any particular qualifications as far as finance goes.

A And as far as the other gentlemen were concerned, I did not present their capacities but, rather, their political position. I did not say that Mr. Messer was a well known or renowned engineer and so forth. I described only their political opinions and attitudes.

Q Thank you. Therefore, you set up in the Netherlands a civil government, a German civil government.

A My four general commissars and I could be considered as those functionaries who had those functions which ordinarily ministers would have. Some functions, however, had been delegated to the general commissars and

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secretaries, but these secretaries did not represent the ministry or government. I mentioned yesterday that I took over the government.

Q But the General Secretaries did represent the Dutch Government, did they not?

A No, the General Secretaries were the heads of some ministries, but they were not what you could call the supreme dignitaries of the states. These gentlemen were in England.

Q But you did, nevertheless, know that they had been left by the government in order to carry on the duties of a government in the place of the government?

A What the intentions were which the government which had gone to England had I do not know. I assumed that they remained in order to direct administration in a technical way. In a complete occupation of a country, the occupying power must determine just how the government is to be carried on.

Q But did you consider that the creation of a civil German government in an occupied country was in conformity with international conventions?

DR. STEINBAUER: Mr. President, I object to this question. In my opinion, it is a question which should be resolved by the High Tribunal.

THE PRESIDENT: The Tribunal thinks the question may be asked. The defendant has already given his views of international law in his examination in chief.

BY M. DEBENEST:

Q In that case, please answer.

A May I please have the question repeated?

Q Do you consider that the creation of a civil German government in an occupied country is in conformity with international convention?

A In the sense in which it took place in Holland, certainly.

Q And why?

A Because there was a complete occupation, Germany had the responsibilit for the administration of this country, and, therefore, a responsible leadership had to be established in this country by Germany.

Q Very well. You, yourself, by the way, created the GeneralSecretariat and more particularly, a secretariat for Information and Arts?

A We call it a Propaganda Ministry.

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Q Yes, that is it.

A Yes, I did that.

Q And whom did you put at the head of this Secretariat?

A I believe first Professor Kudewagen. He was a member of the Dutch National Socialist Party.

Q Was not the staff of the General Secretariat made up, for the most part, of members of this party?

A I am convinced of that, but I did not know them personally, individually.

Q Do you also know that one of the officers, a member of the SS, was there as a counselor?

A The Dutch SS?

Q No, no the German SS.

Q That was a consultant.

Q Yes, that is he. He was a consultant for national education and national development.

A I did not quite follow you--that he was a consultant or adviser for what?

Q For national education.

A Yes, but I did not know him. I consider it possible, but I did not know him. I do not believe that he was there as an SS man in that capacity, but I believe that he was there for some special reason.

Q You ordered the dissolution of the municipal assemblies and of the provincial assemblies; why?

A I can not say the dissolution of the administration. It was only certain representatives whom I eliminated. Not only did I keep the administration itself, but I increased their functions.

Q You even eliminated all the mayors of the most important districts?

A Yes, and I am convinced that that was completely justifiable on the authority of the occupying country. The Buergomaster of Amsterdam did not prevent the general strike but, rather, he fostered it.

Q But was it the same reason that made you eliminate all themayors, or at least a certain number of them?

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A The mayors whom I eliminated were those who through an active, hostile demeanor, became unbearable to me. On the whole, their political attitude was of complete indifference to me. Up to the year 1945 I kept this gentleman whose name I did not get as mayor, even though he was a very bitter enemy of National Socialism and a bitter enemy of us Germans.

Q Very well. Through whom did you replace all these mayors?

A I believe that up until the year 1943 at least the replacement took place with the agreement of Mr. Fredericks, the General Secretary for the Interior, who wasput at my disposal by the Dutch authorities. There were National Socialists; there were those who were not National Socialists. For instance, the brother of the Provincial Commissar of the Dutch people was a convinced and determined enemy of National Socialism and of Germany, and he was made mayor of one of theDutch cities.

Q But you are not exactly answering my question. I am asking you to tell me by whom you replaced all the mayors whom you eliminated.

A I did not quite follow you.

Q Who--Who replaced them? Who replaced them? Were they members of the NSB?

A In part they were members of the NSB, and in part they were non-political men, and in part they were members of political trends which were absolutely against National Socialism and against Germany. In time there were more and more NSB people, for non-NSB people did not put themselves at our disposal any longer, and that was thegreatest success of the Dutch resistance movement--that they gave us complete political resistance and they carried on work of significance in this direction.

Q You therefore pretend that it was the Dutch resistance movement which led you to put a great number of NSB people in all important positions?

A No, that thought would be too daring for me. The Dutch resistance movement only induced the population not to work with the occupying power at all, so that outside of the NSB people there was no one who wanted to work with us.

THE PRESIDENT: Would that be a convenient time to break off?

(A recesswas taken until 1400 hours)

File
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AFTERNOON SESSION

(The Tribunal reconvened at 1400 hours, 11 June 1946)

ARTUR SEYSS-INQUART --Resumed

CROSS EXAMINATION -- Continued

BY M. DEBENEST:

Q. Defendant, you installed, in the larger towns and in the provinces of the low countries, agents who were directly subordinated to you and to whom you gave full powers. Were those agents not members of the NSDAP ?

A. Will you please tell me what you mean by "agents" ? I had German representatives in the provinces and in the larger cities. Do you mean the German or the Dutch ones ?

Q. No; I meant to speak of the Beauftragte.

A. They were Germans, and I assume that all were members of the NSDAP. I don't know for certain, but it is quite possible and I believe that was the case.

Q. Well then, in order to refresh your memory, will you please take document 997-PS, which I caused to be handed you this morning ? I refer to page 9, in the French or German text.

M. DEBENEST: I would like to tell the Tribunal that I gave them an incorrect reference this morning. The document was submitted not under the number USA 708, but RF 122.

BY M. DEBENEST:

Q. At the top of page 9 it states:

"The delegates are working, with very essential administrative and independent powers, for the provinces. The creation of these posts was a target because it was, first of all, necessary to examine the situation. It has now been admitted that it was less a question of administrative officers than of men who had had political experience. Thereafter, Reichsleiter Bormann, on Hess'staff, was requested, as were others, for men, most of whom would come from the Party, some of whom were already on their way, who could be installed in their functions in the provinces with very short delay".

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A. Yes. I find myself confirmed that they were not all from the Party.

Q. Very well, but I also notice that these men were specially selected.

A. Yes, as politically experienced men. That is, I did not want any administrative bureaucrats, but men who were experienced in public political life, and not Party political life.

Q. Very well. On what basis did you organise the municipal councils and the regional councils ?

THE PRESIDENT: M. Debenest, it seems to the Tribunal -- I don't know whether we are right -- that it would be better if you would pause after the sentence rather than after each word.

M. DEBENEST: Yes.

THE WITNESS: Will you please tell me what you mean by municipal and provincial councils ? According to our concept, by the word "council" I understand a body, but I did not establish any bodies, I appointed individual men to direct the administration.

BY M. DEBENEST:

Q. In the communes, in the Netherlands, there were municipal councils. Whether, in the provinces, you call them municipal councils, there is a provincial council which you might call, if you like, "provincial council".

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A Thank you. I understand. The provincial and community representatives which existed previously I dissolved in 1941. Then in the regulations issued by me I provided for such councils but never actually appointed such councils because the Netherlands population did not cooperate and, as a result, these community councils would have been artificial bodies. This provision of my regulations did not go into effect.

Q But upon what basis did this regulation establish this organization?

A May I ask to have the question repeated?

Q On what basis did this regulation lay down this reorganization?

A I can not recall any certain basis. I assume that it was established by law, if it was provided for at all.

Q Very well. I will put the question in a different manner and perhaps you will be able to answer it. Did you introduce, by means of your regulations, the Fuehrer principle?

A Yes. I called it the "one man responsibility", and I am of the opinion that in these times a "one man responsibility" is always the correct thing.

Q That was, in fact, the system which was equally applied in Germany?

A That is true. Perhaps it wasnot exactly the same, but under the circumstances, I consider that correct. I repeat what I said yesterday: We were mistaken. We committed the error of considering the order of the occupational forces better than that found in the occupied territory.

Q Well, the introduction of this principle had a particular significance, did it not?

A I certainly thought it did; especially in these territorial districts I had to have a man who was responsible to me for theadministration and not an anonymous majority of a representative body.

Q I am causing to be handed to you F 861, which I submit under RF 1524, the last paragraph. You will see the importance which was attached to that in theReich. It is a note of the Minister of the Interior, dated the 6th of September, 1941. It reads as follows: "Particular importance must be accorded to the security regulations by the introduction of the Fuehrer Principle in themunicipal government of the Netherlands."

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A Yes. The Ministry of the Interior was interested in this. I should only like to point out that the Reichsminister of the Interior exerted no influence and, in the second place, these larger powers, in the year 1941, were given at least eighty per cent to mayors who belonged to the democratic party and were therefore my political opponents.

MR. PRESIDENT: M. Debenest, haven't you established, by the questions that you have put to this defendant, that he did alter, to a considerable extent, the form of government in the Netherlands, and that he introduced a different form of government. Isn't that all that you really require for the argument which, no doubt, you intend to present? The details of it don't very much matter, do they?

M. DEBENEST: Mr. President, I simply wish to demonstrate that, contrary to what thedefendant said, he had sought to impose the National Socialist system upon the people of the Netherlands.

THE PRESIDENT: Well, to a large extent, I think he had admitted that. He said just now that he introduced what he called "one man responsibility", which is another phrase for the Fuehrer principle, and that he had dissolved various organizations of the Netherlands government. All I am suggesting to you is that, having got those general admissions, it isn't necessary to go into details about theexact amount that the government of the Netherlands was interfered with or the exact way in which it was replaced. Isn't it really all stated in a document drawn up by the defendant, namely, the document you have been putting, 997 PS?

M. DEBENEST: More or less, Mr. President, but not entirely.

THE PRESIDENT: Well, the only question is whether the details are really very important for theTribunal.

M. DEBENEST: I thought that those details might have a certain importance, since the governors of the Reich itself attached importance to it, and that, in fact, the whole was part of a plan which had been definitely laid down.

THE PRESIDENT: Well, the Tribunal is inclined to think that you have got all that is necessary for theargument which you are indicating that you would present. If there are any particular details that you think important to us, no doubt you can bring them out.

M. DEBENEST: Quite so, Mr. President.

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BY M. DEBENEST:

Q To what end had you centralized the police system?

A May I ask to have the question repeated?

Q For what purpose had you centralized the police into a police directorate?

A I will repeat my testimony of yesterday. The Netherlands police was under three or four different agencies. The Ministry of the Interior, the Justice Ministry, I believe the Army Ministry, and so forth. In the interest of a coordinated police administration, I thought it necessary to coordinate these various police bodies into one and to place it under the Justice Ministry.

Q Did you not put at the head of these police, as Director General, a National Socialist?

A Yes.

Q In short, the end that you had in view, was it not to place the Netherlands in the power of the NSDAP and, thereafter, the NSDAP would adapt the internal organization of Netherlands to that of the Reich? In other words, to do something similar to what you had done in Austria.?

A The translation did not come through completely.

Q I repeat. The end which you had in view in the Netherlands, was it not to place the administration of that country in the hands of the NSDAP and, therefore, the NSDAP would adapt the internal organization of the Netherlands in conformity with that of the Reich?

A I do not believe that one can say that. In particular, the policy of the NSB was not that of the NSDAP. The NSB was different in many respects. In the second place, if I had wanted to do that, I would have been able to make Mr. Messer prime minister; that would have been simpler. The simple explanation is that I used the example of the Reicch in order to set up an administration in the Netherlands, at least in part, which made possible my task of keeping order and guarding security. Yesterday I asserted only that I forced no Dutch citizen to become a National Socialist. I did not deny that a certain coordination was undertaken, from the mistakes which I have repeatedly admitted.

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Q Did you use the NSB as an administrative organization?

A Not exclusively, but I did it because in the last analysis I could rely only on them. All others sabotaged my orders.

Q You told this Tribunal yesterday of the revocation of the magistrates of the Court of Leuwarden. Would you tell us the real causes of the cancelation of their appointment.

A It was not the magistrates, but the Court of Appeals of Leuwarden. This court had said in public judgment, that those Dutch citizens who were condemned by Dutch courts and sent to prison would be transferred to German concentration camps, mistreated, and executed; as a result, the court was no longer in a position to condemn a Dutch citizen.

This statement of the court was wrong, in my opinion, and in my opinion Dutch citizens were not sent from Netherlands prisons to German concentration camps to be executed there.

In the meantime, I cleared up the situation at the suggestion of the Amsterdam judges, and through the General Secretary for Justice I had the cou in Leuwarden requested to continue passing sentence. The court in Leuwarden did not do so. Thereupon, I dismissed this court.

Q Well then, I am holding the document "Verdict of the Court of Appeal of Leuwarden" and there is no question of Dutch prisoners being sent to concentration camps or being tortured or otherwise put to death. All that is mentioned is that the magistrates of that court do not wish to impose a penalt which would result in the condemned people being sent to concentration camps.

I shall hand you the original of this document so that you can check it. The document has already been submitted under No. RF-931.

A I did not receive a German translation.

Q It is in Dutch.

I shall read the judgment concerning the appeal:

"Considering that the Court wishes to take into account the fact that for some time past various terms of imprisonment have been imposed by the Dutch judges upon the people contrary to the intentions of the legislation, and the penalties of the judges have been executed in a manner which aggravates thos

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penalties to such an extent that it is impossible for the judge to foresee or even to suppose the penalty to be inflicted --

THE PRESIDENT: The translation isn't coming through.

THE WITNESS: I am not getting the translation. This document exists in German translation. I believe my defense counsel has it.

M. DEBENEST: I believe so, too.

THE PRESIDENT: Have you got a German copy of it?

M. DEBENEST: Mr. President, I have a German copy, but we cannot find it.

THE PRESIDENT: Why don't you put it to the defendant?

M. DEBENEST: I would if I had it, but it cannot be found at present.

THE PRESIDENT: Why not summarize the document to the witness, do it in that way? You can give the effect of the judgment.

M. DEBENEST: Perhaps it would be better, Mr. President.

BY M. DEBENEST:

Q This judgment sets out in detail that the judges no longer wish to pronounce a penalty which would cover preventive detention.

THE PRESIDENT: Did you hear the question?

THE WITNESS: Yes, Mr. President, but why do they not want to pass sentence? I had the German translation here in my hands, and I took my expression of the matter from this translation because I did not recall this judgment. I read it here, and I remember that it stated there that these Dutch prisoners were coming to German concentration camps, were being tortured and executed.

THE PRESIDENT: It doesn't appear to say anything about that in the judgment before us. There is nothing about that in the judgment, is there?

M. DEBENEST: Mr. President, it is the defendant who said that, that the judges did not wish to pronounce any such judgments in order that people would not be sent to the camps to be executed or tortured. There is no question of that in the judgment. The only thing that is mentioned is that the tribunal did not want to inflict any penalty which would result in the people being sent away to concentration camps. I do not see that there is

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anything in this judgment that is derogatory to the defendant or his person.

THE WITNESS: Now I have the German text. It reads:

"The court wants to acknowledge the fact that for some time judges have imposed penalties and that Dutch criminals of the masculine sex, contrary to legal prescription and contrary to the intention of the legislator and the judge, have been executed and are being executed in the camp in a manner which....." and so forth.

Those are the concentration camps which the court meant. That is the circumstance, that prisoners were sent from Dutch prisons to German camps.

THE PRESIDENT: Go, M. Debenest.

BY M. DEBENEST:

Q As regards education, did you not bring in very expensive alteration

A I introduced the supervision of the curriculum of the schools, and I exerted influence on the appointment of teachers, particularly in the very numerous private schools in the Netherlands. Two-thirds of the Netherlands schools were private. I felt it necessary because in these schools there was definitely anti-German tendency which was taught to the students. The Netherlands Education Ministry had supervision of these matters.

Q You thereby prevented a large number of clergymen from taking part i public education.

A I don't believe so. I ordered, or I was willing to have ordered, that clergymen should not be heads of schools. As for clergymen who were teachers, I was quite willing to have their pay reduced by one-third. They were able to continue to teach with two-thirds of their income, and from the money which was saved, I employed 2,000 new, young teachers.

Q Talking of teachers, did you not cause the creation of a special teachers' seminar?

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A. No. I believe you mean courses which were given in Avigor for those who volunteered for them.

Q. No. What I mean is those teachers who were compelled to go for the course in Germany before their appointment.

A. I do not recall the case. That might be those who were to teach German in the Netherlands schools. In that case, it is possible that I demanded that they first spend a certain time in Germany in order to be employed.

Q. You did, as a matter of fact, make the study of the German language obligatory in many cases?

A. In the 7th and 8th classes, which I introduced. But at the same time, I also had instruction in the Dutch language increased, in order to prove that I did not want to Germanize the Dutch, but only wanted to give them an opportunity to study the German language.

Q. But they already had that opportunity. German was taught simultaneously along with English and French. You imposed the teaching of the German language at the expense of the other two foreign languages.

A. I spoke of the elementary schools in which the introduction of German had not yet been made. It is possibility that in the secondary schools, instruction in German was increased at the expense of instruction in English and French.

Q. Did you not order the closing down of several universities? And why did you do so?

A. I recall only the closing of the Leyden University. Then, on the basis of my instructions, Jewish professors of the faculty were dismissed, the students of the University of Leyden went on strike for a long period of time, I thereupon closed the course of study. I do not recall having closed any other universities. The Catholic University in Neumegen and the Calvanistic university in Amsterdam, as far as I can recall, closed of their own accord.

Q. And the high polytechnic school at Delhoft, did you not order that to be closed?

A. Yes. That was a temporary measure. It was reopened, as far as I

recall.

Q. How about the high polytechnic school at Tilburg?

A. I do not remember that.

Q. It was in 1943.

A. I do not remember. It is quite possible that for some reason or other it was closed. It was probably that its continuation endangered the interest of the occupation forces, or seemed to me to endanger the interest of the occupation forces.

THE PRESIDENT: It is not necessary to investigate this in detail, is it? If the defendant said that he closed one school without giving an adequate reason why, isn't that sufficient for you to develop your argument?

M. DEBENEST: Certainly, Mr. President.

BY M. DEBENEST:

Q. In this school, or rather in this university, at Leyden, you attempted later on to turn it into a national socialist university?

A. If you consider the appointment of two or three professors out of about 100 professors or 50 professors as such, I should have to say yes. I cannot recall any other measures. Once an idea was presented to me to establish a university in Leyden at which German and Dutch students could study, and that study there would be recognized in Germany. This did not come about.

Q. Anyway, you admit that you had the intention of creating this school?

A. "Intention" is a little too strong. These ideas were discussed. There was another idea in the Netherlands. In the German Wehrmacht we had a number of university students who had not been able to continue their studies for understandable reasons. It was considered at that time for these university students in the Wehrmacht to hold courses at Leyden, which would be a sort of continuation of their studies.

Q. I have here a document, F-803, which I submit under the number RF-152. This letter is rather a report from the Ministry of National Education of the Netherlands. It is on Page 23 of the French version and Page 15 of the German version.

A. Page 16?

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Q. Yes, 16.

THE PRESIDENT: Why don't you go on, Mr. Debenest?

M. DEBENEST: I am allowing the defendant to find the place.

BY M. DEBENEST:

Q. Have you found it on Page 16?

A. Yes.

Q. I shall read the passage to you.

"Attempts were made to make the University of Leyden a national socialist university by appointing national socialist professors. However, these attempts failed as a result of the firm attitude taken by the professors and by the students. The professors ever --"

THE PRESIDENT: (Interposing) Is that on Page 15?

M. DEBENEST: That is on Page 23 of the French text, in the last paragraph

THE PRESIDENT: What is it?

M. DEBENEST: It is F-803.

THE PRESIDENT: I did not ask what document it was. I asked what is the nature of the document.

M. DEBENEST: I indicated to the Tribunal that it was a report of the Minister for Public Education in the Netherlands.

THE PRESIDENT: Was he appointed by the defendant, or appointed before the war?

M. DEBENEST: It is the present ministry of education. I would point out to the Tribunal that I am obliged to go into a certain amount of detail, because when the French prosecution presented its case, we did not have all the documents at our disposal, and the Dutch government asked us to develop their case in the measure in which we would find it possible. I might add that today I am producing documents which are emanating from the Dutch government.

THE PRESIDENT: That is Page 23?

M. DEBENEST: Page 23 of the French text, six lines from the bottom of the page in the last paragraph.

THE PRESIDENT: Yes.

M. DEBENEST: "Attempts were made to make the University of Leyden a national socialist university by appointing national socialist professors. However, these attempts failed as a result of the firm attitude taken by the professors and by the students. The professors even presented their collective resignation in the month of May, 1943, and as there was no reaction to it, they presented it a second time, and in the month of September, at Leyden University."

THE PRESIDENT: Surely, this defendant has already said, has he not? This is Leyden University that you are speaking about, is it not?

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M. DEBENEST: Yes, Mr. President, Layden University. That is definitely as I understood it that there has been a question of a creation of a National Socialist school in Leyden. That he had not put this project into effect. On the other hand, it appears from this document that it was no of his will, but that it was a result of an application by the teachers. That is what I wanted to bring out.

WITNESS: May I comment on that?

BY M. DEBENEST:

Q Certainly.

A An attempt to make Leydon a National Socialist University is stated only in this document. I repeat my assertion that upon an inspection of the University, it was found that only three professors were National Socialists. This did not mean, by any means, that the University was National Socialistic, and this document shows clearly what my attitude was. I did nothing at all against the gesture of resignation of the Professors. The second attempt was also unanswered. That arrest occurred then, in connection with the fact that part of the Professors were otherwise suspected, and these Professors, were sent to Michelgestell, that's this transit camp in which the members played golf.

Q Then that was a coincidence?

A I did not even say that. After the second attempt, we certainly investigated it.

Q Did you not take measures to oblige the students to take part in forced labor ?

A I believe that as long as they were studying, I had issued express orders for exemption of all students. Technical students were given exemption and University students who were actually studying were not in the labor commitment either.

Q Well, I shall give you briefly an account of Paragraph 2, of your regulation. It is the regulation of 11 March 1943, No. 27. "Each student who, after the putting into effect of the present regulation and who, under the conditions of Paragraph 1, have successfully passed the final examination, or a similar test, are compelled to take work for a determined period under the labor commitment."

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Is that your ordnance?

A Does it say labor service?

Q I haven't got the German version in front of me. It is regulation No. 27.

A Ordnance 27. May I ask what paragraph it is?

Q Second paragraph.

A That is correct. It says, "Students who have taken the final examination, that is, who are no longer studying but are finished, and members of the same age groups shall be drafted for labor commitments, and those exempted by me now have to make up for this labor commitment."

But they were still not interfered with or interrupted.

Q Therefore, the students were able, freely, to continue their studies

A I don't recall any obstacles.

Q Good. Will you please look at the following decree, that is, No. 28 which is a decree of Secretary General Van Damm. This decree imposes upon the students the furnishing of a declaration of loyalty.

A Yes, that's correct.

Q What were the consequences?

A The consequences were not understandable for me. The Universities were, at that time, the seat of anti-German activities. I demanded that this declaration be given by the university students, which in effect was that they uphold the laws in effect in the occupied Netherland territories, that they would avoid any actions against the German Reich, the Wehrmacht, and of the Netherlands authorities, and that they would not interfere with public order at the University.

I cannot understand why a University student cannot make such a statement. Those who did make it were able to continue their studies without any interruption. But the Dutch professors, by way of sabotage, refused to give them any instructions.

Q Well, then, those who did not subscribe to this declaration, what happened to them?

A They were no longer University students, and if they fell into the age groups which had been drafted for labor commitments by me, they were drafted.

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Q Did you not make applicable to the University student theFuehrer principle?

A I do not believe so strictly as in the communityadministrations. But I gave the director of the University greater power because I demanded greater responsibility from him.

Q Very well then. A certain National Socialist propaganda, was there not such a thing in the Universities?

A I believe that could not be entirely proven.

Q In particular districts, the students had to visit certain exhibitio and report to lectures organized by the Party.

A I don't know, butit is possible.

Q In short, you interfered in the administrative domain in the realm of teaching and you also interfered so that the cultural life of people of the Netherlands was hindered?

A Yes, but the extent which I expressed yesterday.

Q You did, in fact, create various professional syndicates, is that not true?

A Yes.

Q You alleged that the acceptance into trade syndicates could not be obligatory and that you never imposed payment of dues?

A That is not correct. Belonging to the trade chambers, I issued an order that the head of the chambers call upon the members to pay their dues. I refused to conclude, from the failure to pay dues, that a person was no longer a member of the Chamber, and consequently, of this trade, or to collec the dues by way of court action.

Q However, do you not recall the difficulties which arose in this manner with themedical profession?

A I was thinking of the medical Chamber. Certain circles demanded that the members who did not pay their dues would be prohibited from carrying out their profession, or at least, the dues should be collected through court pressure. I told these gentlemen, as it was not possible to convince the members, not to assert any force.

Q What were these circles?

A Perhaps you can tell me, then we will save more time.

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Q. Was it not the NSB for instance?

A. In what connection?

Q. Always talking of -- Wasn't it yourself who said that certain circles had demanded the payment of contributions? I am asking, what circles?

A. Do you mean that co-workers of mine urged me to insist on payment? I am not quite clear about the point of the question.

Q. I am just asking you to say exactly what you mean by circles. It is you yourself, who used circles, unless it is a mistranslation.

THE PRESIDENT: M. Debenest, the Tribunal thinks really, that you are spending too much time on these small subjects. We have spent the whole afternoon on these various measures which the defendant introduced in the Netherlands. We spoke already of his own admission that he was offering no force of administration in the Netherlands.

BY M. DEBENEST:

Q. Did you not also take part in the persecution of the churches?

A. I don't know whether the measures could be called "persecution of the church", but I took measures concerning the churches.

Q. What measures in particular? What measures?

A. I believe that the most serious, in your eyes, would be the confiscation of various Netherlands cloisters. One of them was turned into a German school and the church building was torn down.

Q. You alleged yesterday, that priests could pay a visit to concentration camps? Is that correct?

A. I did not understand the question.

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A I did not understand the question.

Q You said--

A I do not understand. Please speak more slowly.

Q You said yesterday that a priest or priests had the right to visit a concentration camp. Is that right?

A No, I did not say that. I saidonly that in the Jewish camp at Westerborg there were Catholic and Protestant Jews, who were visited on Sundays by a clergyman from outside. I do not believe that at the concentration camps under the German Police clergymen were allowed to visit.

Q Just one question as regards the press. Did the press attain a certain--I repeat, a certain--liberty during the time of the occupation?

A From my point of view, much too little. The press was under fairly strict control of the Propaganda Ministry. The editors were employed on the basis of judgment by the Netherlands Propaganda Ministry. I believe that it is a matter of course for an occupying power that for such an important instrument one takes only people who have a certain positive attitude. I would have wished that these men could have been given much more freedom of speech, and I believe that I can say that so far as I exerted any influence, this was done, but the Reichs Commissioner in the Netherlands was not almighty.

Q Were there no reprisal measures taken against a certain newspaper?

THE PRESIDENT: We might get on a little bit more quickly. There is a very long pause between the question and the answer.

THE WITNESS: I must first recall the circumstances. I do not know these questions. They cover a period of five years. I must think over carefully what actually happened in individual cases. For example, I can say No, but immediately I am sure that the answer is wrong. For example. reprisals- I know that once in the Hague the office of a newspaper was blown up. That was a measure instituted by the Security Police. That was the seat of an illegal propaganda group.

BY M. DEBENEST:

Q You spoke yesterday of the sterilization of the Jews in Holland. Who wasthe initiator of this measure?

A If you say by way of introduction--I believe that I can answer the question correctly. The Security Police told me that a number of Jews had themselves sterilized by Jewish doctors and that thereupon these Jews were

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relieved of all limitations and of the wearing of the Jewish Star. These were not Jews who otherwise would have been evacuated, but they were to remain in Holland, but under restrictions.

I asked the Higher SS and Police Leader to invesitgate the matter. He informed me that this was a very serious operation in the case of women, and thereupon I asked the Higher SS and Police Chief, at least in the case of women, to forbid this action. Then the Christian churches protested to me. I answered the Christian Churches. I assume you have the letter in your files. I described the state of affairs. I pointed out expressly that no compylsion would be exerted here. Shortly thereafter this action was finished. As I heard, the Christian churches informed the Jews, and when they were sure that no compulsion would be exerted on them, they no longer submitted themselves to this operation. I myself gave back their property to the Jews in question, and the matter was ended, although I must say today that the further away one is from this period of time, the less understandable it is.

Q But was it you who had the idea of this sterilization?

A No, the matter was reported to me by the Security Police.

Q Very well, I shall cause to be handed to you document 3594-PS, which I shall submit under Number RF1526. It is an affidavit of Hildegard Kunze an agent of the RSHA. Third Paragraph:

"I remember that either in this report or in another report he suggested that all Jews who were authorized to rem ain in Holland should be sterilized."

It is not a question of the police service there.

A This involves the correctness of the memory of a stenographer.

In the third point, moreover, she does not even assert that the report in the third paragraph is the one that she mentions in paragraph (2) and which she ascribes to me. It is out of the question that she saw any report from me wherein I made such a suggestion. The ca se was reported to me as a fact by the Security Police, as a fact which had already come about or which was in progress.

Q So you contend that it was not you but the police. In any case you tolerated it?

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A As far as the male Jews were concerned, I tolerated it for a time; that is true. It was made clear to me that no direct compulsion was exerted on these Jews, no threat of their disadvantage.

THE PRESIDENT: We might adjou rn for ten minutes.

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BY M. DEBENEST:

Q Defendant, are you still pretending that you forced nobody to go and work in Germany?

A On the contrary, I believe I compelled 250,000 Netherlands Dutch people to work in Germany, and I testified to that yesterday.

Q Perfect. I will therefore passs on to another subject.

Didn't you also introduce certain legislative clauses as far as nationalization was concerned?

A You mean the Netherlands people?

Q Yes.

A Yes, I did that.

Q Did you take part in the arrest, interning, and in the deportation to concentration camps in Germany of Dutch citizens? To what extent did you participate in this, and how did you participate in it?

A I should like to briefly explain the matter of citizenship -- Staatsbuergerschaft.

Q Certainly.

A Quite a few Dutch reported and volunteered for the Waffen SS. It was the intention of the Fuehrer to give them German citizenship. However, with that they would have lost their Dutch citizenship, and that was something they certainly did not want to happen. Therefore, I issued a decree that when the acquisition of German citizenship was taking place, the Dutch citizenship was not lost for a year, during which time the person involved could make his decision.

This should serve to clarify the purpose and the object of this decree of mine.

Q I am going to put to you again the question which I put to you a few minutes ago. Did you take part in arresting, interning, and deporting to concentration camps Dutch citizens, and under what conditions?

A The delivery and the keeping of any one person in a concentration camp was exclusively a matter for the police. I do not recall a single instance in which I induced the police to put any Dutchmen into a German concentration camp. Of course, it may have happened that I gave the German police the task of taking Dutchmen to Herzogenbosch, especially at the time

when the Netherlands courts were very lenient w ith people dealt on the black market, and who dealt in black market meat. At that time I demanded their internment in a concentration camp for two or three months' duration.

However, if you have specific cases in mind, please mention them and you may be assured that I will tell you everything exactly as it is in my memory.

Q No, no; your answer is sufficient.

Did you ever participate in the seizure of hostages and in their execution?

A I stated yesterday that I recall only one actual hostage c se, which took place in the year 1942. As to that occasi n I actually testified to my participation. The so-called shooting of host ges, beginning with July of 1944, was not actually a shooting of hostages, but it was rather an execution which had been transferred to the police on the basis of a Fuehrer decree.

I myself never gave the command for any single shooting. But I would like to repeat: If, for instance, I called the attention of the police to the fact that in any certain locality of the Netherlands an illegal resistance movement was rising rapidly, and gave the police instructions to check and investigate the case, it was perfectly obvious to me that the leaders of the resistance movement could be arrested by the police and, on the basis of the Fuehrer decree, these people would be shot.

I must repeat that I had to meet my responsibility,

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even in a difficult situation, so that those who were guilty -- that is, legally guilty and not morally, because if morally I would have acted the same way as you would have -- those who were guilty were not to be put before a tribunal or a court.

Q As far as the fact which you mentioned yesterday is concerned, this does deal with hostages who were shot following an attempt which was made against the railway at Rotterdam.

A Yes.

Q Who selected these hostages?

A Hostages were selected by the Security Police, and the Higher SS and Police Leader submitted this list to me. As I testified yesterday, I asked why he selected the people that he did and he explained that to me. Then, in checking the matter over, I crossed off the names of fathers who had several children. I returned the list to the Higher SS and Police Leader and asked him to see that my attitude and suggestions were taken into consideration in the execution of this decree.

Therefore, indirectly, or rather, directly, I helped so that fathers of several children were not shot.

Q How many hostages were selected in this manner?

A I cannot recall that today, perhaps twelve to fifteen. Out of that number, five were left over; that is, five remained. That was the number, which could have been decreased from the original figure of 50 or 25.

Q I am going to have you shown a document concerning the seizure of these hostages. It is document F-886, which becomes RF-1527. This is a statement made by General Christiansen, or rather, it is a copy of a statement made by General Christiansen, which was taken from an affidavit of the head of the Dutch Delegation.

Will you please take the fourth paragraph before the end of the first statement?

THE PRESIDENT: Have you got the original?

M. DEBENEST: Mr. President, I just said that this was but the copy of a statement, which comes from an affidavit of the head of the Dutch Delegation. If the Tribunal desires, we can certainly have the original

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submitted as soon as we have received it.

THE PRESIDENT: M. Debenest, there is no certificate at all identifying the copy, is there?

M. DEBENEST: But I thought, Mr. President, that an affidavit of the representative of the Dutch Delegation in Nurnberg was appended to it. I beg your pardon. The certificate is to be found on the original. It was not stencilled, but the original does have that affidavit.

THE PRESIDENT: What are you going to prove by this affidavit ? About the hostages?

M. DEBENEST: Yes, Mr. President. There is no doubt that the defendant himself selected and appointed these hostages.

THE PRESIDENT: In what proceedings was the affidavit made?

M. DEBENEST: Mr. President, it was during the proceedings which were taken against General Christiansen in the Netherlands.

THE PRESIDENT: How do you say it is admissible under the Charter?

M. DEBENEST: Mr. President, I believe that we have already submitted documents of this nature -- that is, copies -- to the Tribunal, copies which have been certified as being copies of an original which is being kept in the country where it originated.

THE PRESIDENT: If the original from which the copy was taken were a document which is admissible under the Charter, that would probably be so, if there were an authentic certificate saying it was a true copy of a document which is admissible under the Charter. But is this document admissible under the Charter?

M. DEBENEST: But, Mr. President, I believe that it is admissible because this is nothing else but an affidavit. It is an affidavit which has been received under absolutely regular conditions in the Netherlands.

Price

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THE PRESIDENT: And you havn't got a German edition of it?

M. DEBENEST: Yes, Mr. President, this document has been translated into German. I have had it translated into German.

THE PRESIDENT: Mr. Debenest, this appears to be a document which is in Dutch, and General Christiansen, who gave the evidence, was a German, was he not?

M. DEBENEST: No, Mr. President, the one which is submitted as an original is in Dutch.

THE PRESIDENT: The original is in Dutch, is it?

M. DEBENEST: The original is in Dutch. Well, at least according to the information that I have. Yes, the original is in the Dutch language.

THE PRESIDENT: And what was the affidavit given in, what proceeding?

M. DEBENEST: In Dutch, with interpreters.

THE PRESIDENT: I mean what proceeding, before what court?

M. DEBENEST: I suppose before a military Dutch Tribunal. Yes, before a military Dutch Tribunal.

M. DUVOST: May it please the Tribunal --

THE PRESIDENT: Yes, M. Dubost.

M. DUBOST: This document is an excerpt from criminal proceedings which were carried out against General Christiansen upon the request of the Dutch Government, and the Minister of Justice of the Netherlands has let us have an extract of the report which was taken in the Netherlands under regular conditions during the proceedings which were carried on against General Christiansen in that country. The text was, therefore, made in the Dutch language.

THE PRESIDENT: This deposition, this affidavit is in Dutch. Now General Christiansen, is he a Dutchman?

M. DUBOST: General Christensen is a German; he is a German.

THE PRESIDENT: Why does he give his evidence in Dutch? Why isn't the German copy here? You see, we have a certificate here from a Colonel, who is said to represent the Government of the Netherlands, that this document is a true copy of General Christiansen's evidence. Well, the document which we have here is in Dutch, and if General Christiansen gave his evidence in German, then it can't be a true copy and it is subject to the translation in Dutch. What do you say to tha

M. DUBOST: The deposition made by General Christiansen was received through an interpreter in conformity with the Dutch proceedings and was transcribed in Dutch. It is not possible for a Dutch Tribunal to receive minutes in a foreign

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language. These are established in the Dutch language.

THE PRESIDENT: I see.

DR. STEINBAUER: Mr. President, may I just say a few words in this connection, please? I know, for I am connected with the defense counsel for General Christiansen, that there was a court martial proceeding on the part of the English instituted against him. I have misgivings about his document, since it is not confirmed, and we can not judge whether the interpreter who interpreted from German into Dutch was a suitable and adequate interpreter; and also, since in this manner I do not have the opportunity, as a defense counsel, to take General Christiansen into cross examination and hear him that way. It seems to me that through the mere submission of this document, the rights of the defense have been damaged.

M. DEBENEST: Mr. President, I have just been informed that General Christiansen is right now in detention at Arnhem and he is imprisoned by the Dutch authorities.

THE PRESIDENT: Well, Mr. Debenest, the Tribunal will admit the document if you get a certificate from the court who tried General Christiansen. But the only certificate you have at present that this is a true copy is from a Colonel van -- some name that I can't pronounce. There is nothing to show, except his statement, that he is an official on behalf of the Dutch government. We don't know who he is.

M. DEBENEST: Certainly, Mr. President, but at the beginning of my explanation I did offer the Tribunal to submit the original later on.

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THE PRESIDENT: Well, you will submit an original later on.

M. DEBENEST: He is the accredited representative of the Dutch Government with the French delegation.

DR. STEINBAUER: Mr. President, may I make a very brief remark. I have only a French translation in front of me which reads as follows:

"Christiansen is not here as a witness, but rather as a defendant, and he was interrogated as such, and he is not obligated to tell the truth. He can say whatever he pleases, and he is not responsible for what he says."

For that reason alone, I --

THE PRESIDENT (Interposing): Dr. Steinbauer, the reason why the Tribunal si prepared to admit the document, when they are certain that they have got the document, is that Article 21 provides that reports, including the acts and documents of the committees set up in the various allied countries for the investigation of war crimes and the reports and findings of military or other tribunals of any of the United Nations, shall be taken judicial notice of. It is for that reason that the document is, in the opinion of the Tribunal, admissible when the authentic document is before it.

Now, you undertake then to produce a properly certified copy of the document.

M. DEBENEST: Certainly, Mr. President.

THE WITNESS: May I please comment on this document?

M. DEBENEST: Will you kindly wait until I read to you the passage which I wish to submit to you.

BY M. DEBENEST:

Q. It is on page 4 of the French text, the first paragraph before the end of the first statement, the second paragraph of the page.

"I think that I can recall that already upon that occasion Seyss-Inquart said that five hostages would be shot. I didn't know anybody amongst these hostages. I did not select these five men, and I had nothing whatsoever to do with their execution. It was a case of a purely political nature with which I had to do in my capacity of Wehrmachts Befehlshaber or Commander of the Army."

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Now you may kindly give us your attitude if you choose to do so.

A. The picture which is given here in which General Christiansen gives as a defendant, not a witness, completely coincides with the picture that I gave. In the beginning of this record, General Christiansen says Field Marshal Runstedt and the OKW gave him the order through his chief to take the hostages, and he says further that through his legal department he had issued a proclamation that the hostages would be responsible with their lives if further sabotage acts should take place. He says that they did take place, and the Commander-in-Chief West turned to OKW and received the answer that the hostages were to be taken.

Then, he further relates that he advised me of this order, that the old directive applying to hostages would be sustained, and therefore I said that five were to be executed.

That is what I have said, for I have also said 25 were to have been killed and I negotiated for the lives of the remaining 20.

The report, therefore, is fundamentally correct and agrees with what I have said.

Q. But in this document no mention is made of 25 hostages. We are only dealing with the fact here that it was you who chose these five hostages.

Please take the following page of the statement of the 6th of March 1946. General Christiansen declares:

"I now remember that my adjutant, Colonel Kluter, also took part in this. There must have been, therefore, seven of them. I therefore transmitted the order that the hostages would be held responsible and Seyss-Inquart said immediately that five men were to be chosen. You are asking why it was as simple as all that. Certainly Seyss-Inquart did have powers for this."

It was therefore you, indeed, who appointed these hostages.

A. The repetition of these words does not change the fact at all. It does not change the fact that 25 hostages were demanded, as the witnesses will confirm to you tomorrow, and that I intervened so that only five were demanded, and the entire matter was a matter of the Higher SS and Wehrmacht leaders. As Reich Commissar I reserved the right for myself to lower the number of

hostages and the final figure was determined between the Higher SS leader and the Wehrmacht leader.

THE PRESIDENT: M. Debenest, will you read the last paragraph in the affidavit, page 4 at the bottom.

M. DEBENEST: Exactly, Mr. President. I am going to read it.

BY M. DEBENEST:

Q "I will ask you to note that Seyss-Inquart took part in this conference. The latter expressly reserved the right to appoint hostages."

A I can see nothing more than what I have already said. The number of hostages was determined by the Higher SS Leader according to directives which he had received from the Wehrmacht, or, rather, from his superiors. I myself asked to be shown this list, for I, as Reich Commissar was interested in knowing who was to be selected, and I tried to make my influence noticed in this way, as I have already said, in that the fathers of many children were crossed off this list.

In general, I do not wish to meet this picture as set down by the general with polemics. We worked together very well and it is not material whether I am not testifying right or whether he is wrong in this case.

Q. That is exactly what I was thinking. You therefore do contend that this is the only case in which you intervened as far as the seizure and execution of hostages is concerned.

A. I believe yes.

Q. Did you know about the execution of hostages following the attempt made on Rauter?

A. As to the extent of my information, I testified to that yesterday. I did not know the figure which we were concerned with. It was known to me, however, that shootings were taking place, the shooting of those men who, on the basis of their demeanor, had to be shot by the decree of the Fuehrer through the Security Police. The actual figure was made known to me later.

Q. Consequently, you did not intervene in this question of the shooting of hostages at all?

A. That I cannot tell you, for I discussed with the deputy of the Higher SS and Police Leader what was to be done for this. After all, it was a very

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grave matter. The carrying out of this order was to be taken over by him. I declared yesterday that I could not contradict him, and the executions actually were carried out.

Q. Who was this head of the police?

A. Dr. Schoengart.

Q. What do you think about Dr. Schoengart?

A. I believe that Dr. Schoengart was not a man who was especially harsh, and I do not believe that he was especially enthusiastic about this matter. I believe that he was very much displeased and uncomfortable about this case.

Q. But was he a man whom one could trust?

A. While he was in office I had complete confidence in him.

Q. Very well. In that case, I am going to have a document shown to you, Document F-879, which I submit under No. RF-528.

M. DEBENEST: I wish to inform the Tribunal that once again this is a copy of proceedings which was received at Amsterdam by the Trials for War Criminals, and it also comes with an affidavit as in the preceding case. Here again, if the Tribunal wishes it, I shall submit the original to the Tribunal later on.

THE PRESIDENT: Yes, you will submit the original as before.

M. DEBENEST: Certainly, Mr. President.

THE PRESIDENT: Or else get it from somebody in the government.

M. DEBENEST: Very well, Mr. President.

BY M. DEBENEST:

Q. Will you kindly look at Dr. Schoengart's statement on page 5 of the French document. It is the third declaration, the fifth paragraph.

Have you found it?

A. Yes, I have.

H0154-0067

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Q This is what Dr. Schoengart says:

"After the investigation, I personally went to see Dr. Seyss-Inquart, who was the Reich Commissar in Holland, and with whom I discussed the matter. Seyss-Inquart then gave me the order to take increased measures of reprisal by executing 200 prisoners who were condemned to death, on the place where the attempt had been made.

"This execution was aimed at intimidating the population. It was announced by a public notice that a large number of persons would be executed because of this attempt."

A Yes.

Q So what?

A In any event, it is confirmed that we are concerned here with the shooting of Dutchmen who, as this man says, had been condemned to death. It says that in line with the Fuehrer decree, those who participated in some sort of sabotage or other matter which would cause them to be shot. That is the first and most important point. The question is whether the figure of 200 was mentioned; and the question further is whether I demanded that number. I still maintain, as I have already said, replying to the testimony of a former collaborator, that I never even would have had the opportunity to give a decree or an order like that to Dr. Schoengart, for he was not subordinate. At any rate, nevertheless, I did state that we must act harshly in this case. That I do admit. The figure of 200 -- I even believe it was the figure of 230 -- that I heard about later. The announcement which he mentions here is signed by Dr. Schoengart.

Q You did not say "severe measures"; you said "increased measures of reprisal".

A I did not understand the question. I am sorry.

Q I repeat. You did not say "severe measures", but "increased measures of reprisal".

A The severe measures which were to be taken would, of course, serve to intimidate. But we were not concerned with reprisals; that is, the shooting of people who would not have been concerned except for their being shot. That was not the question.

H0154-0069

Q Very well. But it seems to me that this document is extremely clear. It deals with measures of reprisal following the attempt against Rauter.

A Which were to be carried through in such a way that Dutchmen were executed who would have been executed in any event; for he confirms here that we were concerned with people who had been condemned to death.

Q Will you kindly repeat the explanation. I did not get the translation.

A I will be glad to. Here we were concerned with the shooting of men who would have been shot in any event, for it says specifically here that they had already been sentenced to death. And it says in the next paragraph --.

THE PRESIDENT: (interposing) I already wrote it down five minutes ago. You have said it already.

He has said it already. The document speaks for itself, M. Debenest.

M. DEBENEST: Very well, Mr. President.

BY M. DEBENEST:

Q You stated yesterday as well that no hostage had been shot at the hostage camp of Michelgestell.

A That is unknown to me.

Q Nevertheless, you stated that yesterday, did you not?

A (No response)

Q Or are you still pretending that none had been shot at that time?

THE PRESIDENT: Will the defendant answer, please? Don't just nod your head. It does not come through the sound system.

THE WITNESS: I wanted to say only that I do not recall it; that on one occasion such a case did occur, but at any rate, I do not recall.

BY M. DEBENEST:

Q Will you kindly repeat that? I did not hear your answer.

A I wanted to say only that I do not recall such a case.

Q Nevertheless, you are not denying that hostages could have been shot, or might have been shot there?

H0154 - 0070

A There might have been other reasons. I do not recall such a shooting. But I do not recall a single case like that.

THE PRESIDENT: We are getting two voices on the one line now.

BY M. DEBENEST:

Q The hostages who were executed in this manner, were they all people who had been sentenced to death?

A I do not know. But I do not know whether anyone was shot at all.

Q In the case of the execution of hostages at Rotterdam, were not the hostages arrested just the day before they were to be executed, and executed on the very next day?

A I am not informed on that point. I can see from this document that we are talking about hostages from Michelgestell. I do not recall that hostages were taken from this camp. But in this case, it would have been possible; but that was an actual hostage case.

Q No. I am not asking you whether hostages were taken from the camp of Michelgestell. I am asking you whether when the hostages of Rotterdam were executed they were not arrested on the eve before they were executed, and whether they were not shot the very next day.

A That I do not know.

Q I will give you the name. Maybe you will remember the case: Baron Schimmel-Pennig.

A Baron Schimmel-Pennig, as far as I recall, came from Seeland. But I do not know any more than that.

Q You therefore do not know under what conditions he was arrested, and why?

A No; I know only that the Baron Schimmel-Pennig was among those five hostages who were shot.

Q You therefore do admit that those numerous executions of hostages which followed the summary justice courts in the Netherlands originated from you, did they not?

A No. That is certainly not the case. For these shootings, from the middle of 1944 onward, cannot be traced to my directives and my summary justice courts, but rather to a direct decree of the Fuehrer.

H0154-0071

Q You therefore claim that there was not a single case of execution as a result of your order of the 1st of May, 1943?

A The execution did not come about on the basis of summary courts which I had instituted, although in violation of these decrees, it is possible the Higher SS and Police Leader used these decrees as the basis for his decisi

Q But you are still contending that you had no power or authority over this chief of police?

A I did not have the power to command him, but it is certain that we worked in a close relationship and close agreement.

Q He therefore consulted you on all the reprisal measures which were to be taken?

A No. How do you mean that? In what way?

Q All the reprisal measures which were decided upon, or which were announced by him, were they not announced with your full agreement?

A The reprisal measures and his announcements were made in his domain. In many cases, I frequently did not know about these announcements until afterwards. There was no directive which I gave for these measures. I again and again refer to the fact that this was a carrying through of a Fuehrer decree to the police.

Q Very well. Did you believe in these measures of reprisal? Did you believe in them?

A It was taken for granted that as far as sabotage and other acts committed by the resistance movement were concerned, steps had to be taken, and there was no other possibility for taking steps except the arrest by the police, by judgment on the part of the Higher SS Leaders, and shootings on the part of the police. I could not contradict these measures; I could not oppose them. You might interpret that as an agreement. I would have prefer it if they had given the correct and just judgment.

Q Yes, certainly.

I am going to have you shown the document F-860, which is a letter which I am submitting under No. RF 1529. This is a letter coming from you dated th 30th of November, 1942, and addressed to Dr. Lammers. I will pass over the first part.

H0154-0072

M. DEBENEST: I am sorry. I forgot to tell the Tribunal that the originals are not here; they are just photostatic copies. But I have in my possession an affidavit which I will submit to the Tribunal.

THE PRESIDENT: It is all right, M. Debenest. You need not bother to give us an affidavit. We have the photostatic copy.

H0154-0073

I will pass over the first two pages of the French copy, and will pass on to the 2nd paragraph. Second subject, "the confiscation of raw material took place in conformity with a letter of the Reichsfuehrer SS. I believe that I have conformed myself to all the wishes which are contained in it, only I did not like to point out, as President of the Tribunal that the appointment of the Supreme Head of the SS and of the Police would signify, from the point of view of the Dutch, a curtailment of the authority of the Reich Commissioner which would have a particular meaning because of the fact that the Reich Commissioner is appointed to guard the interests of the Reich, by order of the Fuehrer. But I have myself, transmitted to the SS Head and Police Fuehrer all four parts which an administrator needs. I believe that this National Law and Police must be a useful instrument and to a certain extent an example for all further regulations."

You did, therefore, have authority over the head of the Police?

A.In this case, I had the authority over the Police Standgericht for a Military Tribund , but not over the head of the Police. The heads of the Police were not under me. I could not give executive orders to the Police. Anyway, this military law existed for about two weeks.

Q.But what is nevertheless certain, that we here find special Tribunals and that you entrusted them to the head of the Police.

A.Yes, that is correct, but only in the case of Military Tribunals in the case of emergency, and what the police courts did at that time was taken over as my responsibility.

That was a result of the general strike in May, 1943.

Q.Well, we quite agree then. You did entrust these emergency Tribunals to the Police.

Very well, I will now have you shown document 3430-PS. This document is the collection of all the speeches which you made duri the occupation of the Netherlands.

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THE PRESIDENT: M. Debenest, is that the only reference you are making to this document No. 860.

M. DEBENEST: 860 ?

THE PRESIDENT: I ask you, is that the only reference you are going to make to this document ?

M. DEBENEST: Yes, Mr. President, I am only concerned with second part. The first part concerns the Police.

THE PRESIDENT: Don't you think it is imposing a very heavy burden on the translation department. There are 18 pages of it.

M. DEBENEST: Mr. President, I quite agree with you. I just intended to use this document for the police organizations, and I will then take the first part. But, I didn't think it was necessary to do so right now because I wished to economize the time.

THE PRESIDENT: I only mean this, if you are only going to use a small part of the document, it does not seem necessary to make the translation department, who have a very great deal of wor to do, translate 18 pages of it.

Here's another one -- 803F, which has got many more than 18 pages in it, and of which very little use has been made. But go on.

M. DEBENEST: I know, Mr. President, but if I didn't use it more, it is only because the Tribunal considered that it dealt wit details which the Tribunal did not think necessary,

THE PRESIDENT: You have passages on each of these 18 pages.

M. DEBENEST: Certainly not, Mr. President.

THE PRESIDENT: Go on, anyway.

BY M. DEBENEST:

Q. Very well, we will now pass to another subject.

When you arrived in Holland, didn't that country posses extremely important stocks of food stuffs and of raw materials ?

A. Yes, supplies were on hand.

Q. Were important requisitions made during the first years of the occupation ?

H0154-0075

A. I did not quite follow that ?

Q. Requisitions ? important requisitions. Weren't they carried out during the first years of the occupation ?

A. Yes, according to a decree given by the Four Year Plan, all supplies were requisitioned and they were to be stored for a perio of 6 months with the obligation on a part of the Reich, but all further needs were to be replaced and brought in.

Q. You therefore pretended that these stocks were to be reserve for the Dutch population ?

A. Naturally.

Q. Certainly ? Very well. Will you take the document which I have shown to you this morning, 997-PS, Page 9 and 10.

A. Will you please give me the number of the document ?

Q. 997-PS.

A. Do I have the document before me ?

Q. Page 12 of the French text and page 11 of the German. You will read the following ;

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"The stocks of raw materials have been collected with the agreement of the General Fieldmarshal, and have been distributed in such manner that a quota sufficient for 6 months only will be left over for the Dutch people. This distribution is carried out in the same way as in the Reich. The same principles of equal treatment are also applied for the future supplies. Important stocks of raw materials have been guaranteed for the Reich, such as, for example, 70,000 tons of industrial fats which represent about one half of the quota which the Reich needs."

A I believe that coincides with the picture that I have just drawn for you.

Q But I thought you said that the stocks were kept for the disposal of the Dutch people and not for the Reich?

A No, there is a mistake. I said that the supplies were left for only 6 months duration, and that in the future, the further demands were to be supplied in the same way as in the Reich. But primarily these stocks were confiscated for the Reich.

Q Very well, the translation didn't come through. You received numerous complaints about these requests, didn't you?

A Yes.

Q And what measures did you take?

A The gentlemen who were with me, and that is the General Secretary Hirschfeld and the other secretaries, their attention was called to the fact that there was a strict directive emanating from the Four Year Plan. Perhaps in some cases of transmitting, the compliance to the Four Year Plan after taking away the storks, seemed altogether oppressive to me.

Q In addition to these requests, were there mass purchases which were carried out for the Reich?

A I don't understand you. What were you talking about?

Q In addition . . . . .

A Yes.

THE PRESIDENT: Shall we adjourn now? Will you be much longer M.Debenest?

M. DEBENEST: Mr. President, everything will depend upon the length of the answers which the Defendant will make, but I think that in ½

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hour or 3/4 of an hour tomorrow morning I will be finished.

THE PRESIDENT: Very well, then we will adjourn.

(The Tribunal adjourned until 1000 hours, 12 June 1946.)